The Handbook Series

Prohibition

Modification of the Volstead Law

BEMAN

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PROHIBITION

MODIFICATION OF THE VOLSTEAD LAW

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THE HANDBOOK SERIES

SELECTED ARTICLES ON

PROHIBITION

MODIFICATION OF THE VOLSTEAD LAW

COMPILED BY
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To the memory of Dr. Benjamin Rush, signer of the Declaration of Independence, physician, patriot, and moral pioneer, who saw clearly and fought courageously the three great abuses of his time,—the misgovernment of the mother country, the devastation and misery wrought by the abuse of ardent spirits, and the de-education produced by the general study of the dead languages, this volume is inscribed.

EXPLANATORY NOTE

National prohibition has now been in effect for over four years. The results of its operation have been accorded the highest praise by its advocates and supporters, and the most severe condemnation by its opponents. It is interesting to observe how people, with a few exceptions, will watch the workings of a new law that makes a great national experiment and see the results as wholly beneficial or entirely harmful according to their preconceived opinions. Most people will first consider where their personal or financial interest lies, then shape their opinions and arguments on great national issues so as to support their interests, and finally in the operation of a new law be able to see only such results as they want to see, such as conform to their preconceived notions.

Even were the issue not befogged by propaganda, four years would be entirely too short a time to be the basis of a conclusion as to the benefits of national prohibition. This difficulty has been increased by a constant barrage of propaganda. On both sides of the question the forces are highly organized and have spent large sums of money for publicity purposes, publishing hundreds of pamphlets and leaflets, as well as a considerable number of books, using newspaper advertising extensively, often getting their prepared material into the news and editorial columns, and publishing their own papers and periodicals, until the reading public has been deluged with ex-parte statements that make no effort to give the whole truth. "Propaganda of all sorts," says Dr. Raymond Pearl of Johns Hopkins University, "in the very essence of its nature, can have no necessary relation to truth. Equally it is bound to be actively opposed to any truth which does not fit into and accord with the

particular ends toward which it may at any given moment be working." [1]

So much of what has been said and written concerning national prohibition is neither scientific nor accurate that the impartial investigator finds it difficult to form an estimate of the results so far achieved. This flood of propaganda has unfortunately been accompanied by a recent dearth of fair unbiased discussion so that it is now difficult to get information, printed within the last four years, that is adequate or reliable. This condition makes it necessary for the present volume to reprint more of the propaganda on both sides than would otherwise be done and it is done with this admonition.

Through all of the propaganda run arguments that throw little light on the phases of the question in which the disinterested student is most concerned. Again and again the statements that prohibition is not being enforced, that drinking has actually increased since the adoption of the Volstead law, that many of our best citizens, (meaning thereby people of wealth and social standing) violate the law regularly and without any hesitation or scruples, and that beer is not an intoxicating liquor, are made and denied, "proved" and "disproved." In the maze of such statements we are apt to lose sight of the fact that in national prohibition our country is trying out one of the greatest and most far-reaching legislative experiments that any portion of the human race has ever undertaken. The adherence to preconceived notions, the propaganda of financially interested parties, and the low-grade humor of a certain class of newspapers and theaters must not be permitted to cloud the vision of the person who is honest and unselfish in his exercise of his duties of citizenship. What should occupy our attention is a calm and careful study of the facts so far as they are available in an effort to determine what have been the results of the national prohibition act upon public health, poverty, crime, wages, divorce, insanity, earning-power,

[1] From American Mercury. 1: 215. February, 1924.

industrial accidents, politics, social relations, and the welfare, happiness, and contentment of the people.

Subject to the limitations imposed by these conditions, the present volume attempts to deal with the results of national prohibition. It has been compiled in accordance with the plan of the Handbook Series, including debater's brief on each side, a bibliography chiefly of the more recent literature on the question, and reprints of the best available material on both sides.

LAMAR T. BEMAN

March 1, 1924

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BRIEFS

RESOLVED: *That the Federal government should legalize the manufacture and sale of light wines and beer.*

AFFIRMATIVE

INTRODUCTION

A. Meaning of the question.
   1. Light wine is the fermented juice of fruit or vegetables which contains not more than 12 per cent of alcohol.
   2. Beer is malt liquor that contains not more than 4 per cent of alcohol.
   3. Legalize means to make lawful so far as the Federal government is concerned.
      a. The importation, manufacture, sale, and transportation of all liquors containing a greater percentage of alcohol would still be prohibited by the Federal government.
      b. Any state could still prohibit within its borders the manufacture and sale of light wines and beer.
      c. The liquor laws and regulations of the different states would therefore differ to conform with the local public opinion.

B. The method of legalizing, that is, the legislative action necessary to accomplish this change in the laws, is not an issue in this debate.
   1. Modification of the Volstead Act would be the first step.

2. If the Supreme Court should declare such a law to be in violation to the Eighteenth Amendment to the Constitution, then it would be necessary to adopt another amendment to modify the Eighteenth Amendment.

I. Some modification of the Volstead Act is necessary.
   A. The Volstead Act is not being generally obeyed.
      1. There is wholesale smuggling of liquor into the United States.
         a. From the West Indies a large fleet of boats is constantly bringing it to New York, New Jersey, Florida, and other places.
         b. From Canada liquor is constantly smuggled across the border, particularly into Michigan and New York states.
      2. Whisky and distilled spirits are being made and sold in utter violation of the Volstead Act in all parts of the country.
         a. Illicit stills are being discovered and confiscated continually in every state and in almost every county in the whole country.
         b. Persons intoxicated by drinking bootleg whisky are being arrested and brought before the petty courts of every city and town.
         c. Persons are continually being arrested and charged with driving while intoxicated.
      3. More wine is now being made and consumed than ever before in our history.
         a. Wine grapes are now in greater demand than ever before.

b. There is now being sold throughout the country in gallon tins specially prepared grape pulp, so put up that by merely adding water and letting it stand any kind of wine may be made.

c. Many saloon keepers are now making many other sources and materials.

4. Quantities of beer are now being made in violation of the Volstead Act.

a. Some breweries, supposed to be making near beer, are making real beer at least a part of the time.

b. The making of home brew is now a very general practice.

c. Many saloonkeepers are now making their own beer.

5. It is now a matter of general knowledge that the Volstead Act is openly and notoriously violated.

a. Stores in every city and town sell and exhibit for sale materials in small quantities and compete outfits that can only be used for making alcoholic liquors which can only be made in violation of the law.

b. The Volstead law is now being violated by the more prominent and wealthy people.

B. The violations of the Volstead Act are increasing as the years go by.

1. Drunkenness has been constantly increasing since 1920.

a. This is shown by the number of arrests for intoxication.

b. It is also shown by the number of commitments.

2. The government is utterly unable to cope with the situation.
   a. Many of the states have tried to pass the buck to the Federal government, asking it to enforce the Volstead Act because it is a Federal law, to stop smuggling, to change its system of permits, etc.
   b. The Federal government has passed the buck back to the states, asking them to enforce the law within their borders, saying that the Federal enforcement officers were few in number and that every state officer has taken an oath to support and enforce the Constitution of the United States.

C. The Volstead Act never can be really enforced.
   1. Prohibition has never yet been enforced anywhere on this earth.
      a. There is considerable drinking among the Mohammedan people whose religion includes prohibition of all alcoholic liquors.
      b. There was general violation of statewide prohibition in the states that had adopted it.
      c. Local option was never fully enforced.
   2. Pubic sentiment does not support the Volstead Act.
      a. In many parts of the country the great majority of the people are very strongly against it.
      b. In all parts of the country, in every city and village, there is at least a good sized minority that is strongly and bitterly opposed to the Volstead law, and a great many of these peo-

ple are determined to violate the law at every possible opportunity.

c. The poll conducted by the Literary Digest in 1922 showed unmistakably that the great majority of the American people are against the Volstead law. (Literary Digest, July 15 to Sept. 9, 1922)

3. The reasons why the law is now so generally disobeyed and disrespected are permanent and lasting.
   a. It infringes personal liberty.
   b. It seeks by legislation to change the habits and private customs of people.
   c. The coast and frontier lines of the United States are over thirteen thousand miles in length. So long as there is a demand for liquor, there will be smuggling.
4. It is a very easy matter to make alcoholic liquors.
   a. Wine makes itself: All that is to be done is to press out fruit juice and let it stand.
   b. Distillation is an easy matter: Any fifteen year old child can distill water with a tea kettle and a garden hose.
   c. With the implements and ingredients now on sale in almost every city and village in the country, anybody can make fairly good and palatable beer.
5. Governor Pinchot found that he could not make Pennsylvania dry.
   a. Governor Pinchot is a man of unquestioned integrity.
   b. He is a man of unusual ability.
   c. While a candidate for governor, he

promised the voters if elected he would close all the saloons and make Pennsylvania actually dry.

d. After his election he honestly tried to fulfil this promise, but found that it could not be done.

e. Pennsylvania is not yet dry.

6. The temptation of the enforcement officers to be dishonest is too great.

a. Enforcement officers are men of little means.

b. A bribe of $5,000 or $10,000 dollars means little to a successful bootlegger, but it would be a tremendous temptation to any enforcement officer.

D. The wholesale non-enforcement of the Volstead law is a very serious evil and a national peril.

1. The liquor traffic is now entirely unregulated by law.

a. Large quantities of all kinds of liquor are now being made, smuggled, transported, and sold by the worst elements of society.

b. There is no government inspection of manufacture to guarantee purity or cleanliness.

(1) Most of the liquor now sold is made by ignorant and vicious people in basements, attics, barns, and in the back hills, much of it at night.

(2) Much poison liquor has been made and sold, and hundreds of deaths and cases of blindness have resulted.

c. There are now no effective restric-

tions on the time or place where liquor is sold, or the parties who may sell it.

2. The general disregard and violation of the Volstead Act is unquestionably developing such a feeling of disrespect for all law as is a serious danger to our institutions.
   a. Crime has been rapidly increasing in spite of the fact that the prohibitionists were emphatic in their claims that prohibition would bring about a great reduction in crime.
   b. A spirit of lawlessness and contempt for all law has been abroad in our country since the adoption of the Volstead Act, and is steadily growing worse.
      (1) President Angell of Yale University in his baccalaureate address in June, 1922 said, "The violation of law has never been so general nor so widely condoned as at present."
      (2) President Butler of Columbia University in an address before the Ohio State Bar Association on January 26, 1923 made an even more emphatic statement, and named the Volstead Act as a leading cause.
      (3) John H. Clarke, former Justice of the United States Supreme Court, John Koren, and many other men of authority have made similar statements.
3. The drinking habits of many people have been made worse.

a. A considerable number of people who formerly drank only light wines and beer now use the stronger drinks because of the difficulty in getting good beer or high grade wines as their bulk makes it more difficult to smuggle, transport, and retail them.
b. Whisky drinking has become a social fad among all but the poorer people, and is now done in a spirit of bravado.

4. The total amount paid for liquors is greater now than ever before.
   a. The conservative estimate of the Attorney General's office is that there is now consumed 38 per cent of the amount of liquor used before the adoption of the Volstead Act, while everybody knows that the price now paid for liquors is from five to ten times greater than it formerly was. The total amount paid for liquor must, therefore, be from 50 to 200 per cent more than it was before the adoption of national prohibition.

E. The efforts to enforce the Volstead Act have brought about a condition of social warfare, that in many sections of the country approaches open rebellion.
   1. In some cases ruthless methods have been employed in the effort to enforce the law.
      a. Private homes have been entered and searched without a search warrant or any legal right to do so.
      b. Automobiles and even funeral processions have been held up and searched on the highways.

2. Vicious criminals have plied their trade as bootleggers with a persistent determination and often by force of arms.
   a. Many enforcement officers and some bootleggers have been killed.
   b. A great many automobiles and trucks have been confiscated and sold by the government.
   c. Many buildings have been "padlocked."
3. Among the working class and the poorer people generally there is a wide-spread feeling that they have been discriminated against.
   a. They are denied their beer while people of larger incomes or greater wealth continue to enjoy their usual liquor.
   b. The saloon was the poor man's club. It furnished the only recreation for millions of honest laboring men. It has been destroyed and no substitute has been provided, while the rich have their clubs and their recreation the same as before the adoption of prohibition.

II. It would be wise and desirable for the Federal government to legalize the manufacture and sale of light wines and beer.
   A. Light wines and beer are not injurious physically or morally.
      1. Alcohol in small quantities is not physically harmful.
         a. Many authorities say that alcohol in small quantities serves as a food.
      2. Many of the best people have habitually used wine and beer without any bad effect.

a. This has been true of many of our ablest clergymen.
b. Most of the world's great statesmen have used wine and some have used beer.
c. Many of the famous writers, scholars, scientists, and professional men have used these liquors moderately all their lives.
d. A large part of the rank and file of mankind have been moderate users of these liquors without harmful result.

3. Whole nations have used wine and beer quite freely for centuries without harmful results.
   a. Everybody knows the extent to which the German people have used beer.
   b. France, Belgium, Italy, Greece, Bulgaria, and many other nations have used wine freely for many generations.
4. The use of wine is sanctioned by the Bible.
   a. Christ Himself made wine by turning water into wine.
   b. He commended and sanctioned its use.
   c. Catholics, Protestants, and Jews have all used wine for sacramental purposes for years.
5. Many patent or proprietory medicines, used for years and found by many people to be helpful, are now sanctioned by the law although they contain a larger percentage of alcohol than do light wines or beer.

B. Legalizing the manufacture and sale of light wines and beer will decrease the total consumption of alcohol.

1. Many people are now using bootleg whisky and distilled spirits which contain a far greater percentage of alcohol because these liquors are easy to obtain.
    a. Liquors of smaller bulk and which keep better are the ones that are smuggled into the country and are transported across the country.
    b. Good palatable beer is harder to make, keep, transport, and therefore it is difficult to get.
2. If light wines and good beer could be lawfully bought, a great many people who now use the distilled spirits would stop doing so and use the milder ones.

C. Legalizing the manufacture and sale of light wines and beer will remedy the existing evils which the Volstead Act has produced.
1. It will restore respect for law.
    a. It will remove the bitter opposition to the law by removing the cause.
2. It will re-establish domestic tranquility.
3. It will make the liquor laws enforcible.
    a. They will have public sentiment back of them.

D. It would be financially advantageous to the government to legalize the manufacture and sale of light wines and beer.
1. It would save to the government the cost of its present efforts to enforce the law.
2. It will bring in several hundred millions of dollars in taxes.
    a. It has been estimated that a beer tax alone can be made to yield $400,000,000 a year.

III. Legalizing the manufacture and sale of light wines and beer is a practical remedy.

A. It would make it possible for the government to regulate the liquor traffic.

1. Liquors made and sold unlawfully cannot successfully compete with those lawfully made.

a. Liquors made lawfully are made on a large scale and therefore cheaper, while those made unlawfully and surreptitiously must be made on a small scale.

b. People would always prefer the standard brands because of their purity.

2. Unlawfully made liquors would soon almost entirely disappear.

B. Under lawful regulations the worst evils of the liquor traffic are eliminated.

1. Government inspection of manufacture and a government seal or stamp on every package guarantees purity and absolutely prevents the sale of poison liquors.

2. The license system prevents vicious or undesirable individuals from entering the business.

3. The hours of sale, the persons who can buy it, the places where it may be sold, and other conditions of sale are regulated by law so as to eliminate all abuses.

C. It does not necessarily mean the return of the saloon.

1. The Federal government would only prohibit the manufacture, sale, importation, and transportation of the stronger liquors.

2. This would leave to the separate states home rule in regard to wines and beer.

a. Any state could prevent the return of the saloon if it cared to do so.
b. Any state could still prohibit the manufacture and sale of wines and beer within its own confines if it wanted to do so.

D. The legalizing of the manufacture and sale of light wines and beer is endorsed as the best remedy for the present situation by many of the best minds.
1. Nicholas Murray Butler, President of Columbia University.
2. John W. Weeks, Secretary of War.
3. Senator Edward I. Edwards of New Jersey.
4. G. K. Chesterton, the English writer.
5. Governor Alfred E. Smith of New York.
6. Senator James Cousens of Michigan who was formerly the chief of police in Detroit.
7. Senator Walter E. Edge of New Jersey.
8. Fabian Franklin, the well-known journalist.
9. Austen G. Fox, New York attorney.
10. Hudson Maxim, author and inventor.
11. E. C. Stokes, ex-governor of New Jersey.

NEGATIVE

I. Any modification of the present liquor laws is entirely unnecessary.
A. The Volstead Act and the Eighteenth Amendment were regularly adopted and are the will of the great majority of American people.
1. The struggle for prohibition has gone on for more than a hundred years.
2. Prohibition had been established by state or local action over most of the country

before the Eighteenth Amendment was ratified.

a. Thirty-three states had adopted statewide prohibition.
b. 95.4 per cent of the area of the country was dry.
c. 68.3 per cent of the population lived in dry territory.

3. More than two-thirds of each house of Congress voted to propose the Eighteenth Amendment.
4. A majority of the members in each house of the legislatures of forty-six states voted to ratify it.
   a. Rhode Island and Connecticut are the only states that did not ratify it.
   b. This is a larger number and a larger proportion of the states than ratified any of the other amendments to the Constitution.
5. The Volstead Act was passed by each house of Congress by a large majority, and again over President Wilson's veto by a more than two-thirds vote.
6. Both the Eighteenth Amendment and the Volstead Act have been sustained by the Supreme Court of the United States. (253 U.S. 350)
7. In several of the states a wine and beer proposition was submitted to the voters shortly after prohibition had gone into effect, as the first counter attack of the liquor interests, and it was defeated decisively.
   a. In Colorado, Oregon, and Washington prohibition went into effect January 1, 1916. Later in the same year

a wine and beer proposition was defeated in each of them, in Colorado by eighty-five thousand votes, in Oregon by fifty-four thousand votes, and in Washington by one hundred and forty-seven thousand.

b. In Michigan prohibition went into effect May 1, 1918 and on April 7, 1919 a wine and beer amendment was defeated by about two hundred and eight thousand votes.

c. Prohibition became effective in Ohio on May 27, 1919, and in November of that year an amendment to legalize 2.75 per cent beer was defeated by twenty-nine thousand votes. In 1922 a light wine and beer proposition was defeated by two hundred and nine thousand votes.

B. The adoption of national prohibition was due to the efforts of the best of our people.

1. Among the opponents of prohibition have been the undesirable elements of our people.
   a. Those willing to poison their neighbors if they could make money out of it.
   b. The alcohol addicts, many of them worthless drunkards.
   c. Corrupt and cowardly politicians.
2. The advocates of prohibition were unselfish and high-minded people.
   a. In each city and town the prohibition leaders were the church-goers.
   b. The leaders of the movement were not seeking gain for themselves, but many have suffered losses and given

of their time and money for the general good.

C. National prohibition has not yet been fairly tried.
   1. It has not been honestly enforced.
      a. The Federal government has not gone about prohibition enforcement in good faith.
         (1) The entire enforcement service has been made political spoils from the start.
         (2) Many incompetent and dishonest men have been appointed to important positions in the service.
         (3) The Federal government could stop the wholesale smuggling of liquor into the country and the display and sale of materials and devices for making liquor.
      b. Many of the states have failed to make an honest effort to enforce the law.
      c. Many city and local officials have failed to do their sworn duty in enforcing the law.
         (1) The cleaning up of Chicago in the fall of 1923 and of Philadelphia in January of 1924 shows what local officials can do if they make any honest effort.
   2. It will take time to give national prohibition a fair trial.
      a. The law will be better enforced as time goes on.
      b. Enforcement will be easier in the next generation.

c. In Maine and Kansas the second generation under prohibition were strongly in favor of the law.

3. To legalize the manufacture and sale of wines and beer would for all practical purposes amount to the abandonment of national prohibition before it has had an opportunity to prove its full value.
   a. Before the adoption of prohibition beer alone made up more than 90 per cent of the liquor traffic.
   b. Wine made up more than 2 per cent of the traffic.
   c. If we legalize 93 per cent of the traffic, prohibition is at an end.

D. National prohibition has already met with a large measure of success.
   1. It has very greatly decreased the total consumption of alcohol.
      a. No reliable authority places the present consumption of alcohol at more than one-fifth of what it was before the adoption of the Volstead Act.
      b. Arrests for intoxication are way below what they were formerly.
      c. Neal Institutes and other drink cures have practically all gone out of business.
   2. The crimes due to alcohol have very greatly decreased.
      a. Cases of desertion, non-support, etc. have decreased all over the country.
      b. Arrests for drunkenness, assault, disorderly conduct, destruction of property, etc. have greatly decreased.
      c. The prison population has not kept pace with the growth of the total

population, but has actually decreased.

d. Many jails and workhouses have been empty or almost empty.

e. These results have been accomplished when there was every reason to expect a large increase in crime, as a result of the war.

3. Poverty has been decreased.

a. The Boston Family Welfare Society has published figures covering many cities that show a decrease of 74 per cent between 1917 and 1922 in the cases caused by drink that come to charity organizations.

4. Public health has been greatly improved.

a. There has been a great reduction in the death rate.

5. The working class has been especially benefited.

a. More of them now own their own homes.

b. More now own an automobile.

c. Better wages are being paid.

d. More workmen now have a savings account.

e. Union Labor Banks began after prohibition was adopted.

6. Industry has profited greatly.

a. Labor is now more efficient.

(1) There is now greater production per man.

(2) There is now less irregularity, especially on Mondays.

(3) There are now fewer accidents.

7. Prohibition has encouraged and increased savings.

a. Official figures show that the total

money deposited in banks has very greatly increased.

8. Politics has been purified and elevated.
   a. Organized liquor interests no longer dominate elections through their control of the saloons which organize the worst elements of society into a force to control elections.
9. All this has already been accomplished although everybody knows that the best results of prohibition cannot become apparent until after one or two generations.
   a. Then will be noticed a decrease in degeneration, including feeble-mindedness, blindness, insanity, epilepsy, etc.

E. There is no need for repeal or modification on the ground that prohibition infringes or limits personal liberty.
   1. Personal liberty is the freedom given a person by his government.
      a. Doing an act prohibited by the government is not the exercise of personal liberty, it is crime.
      b. There is no such thing as an inalienable right.
      c. Persons have lawfully only such liberty as their government gives them, and only criminals take or exercise greater rights or liberty.
   2. Ever since the dawn of civilization personal liberty has been restricted in many ways in every civilized country.
      a. The Ten Commandments are a restriction of personal liberty.
      b. The laws against murder, treason, arson, burglary, robbery, and in fact

all criminal laws, limit, restrict, infringe, and interfere with personal liberty.

3. When the government feels that personal liberty and social welfare conflict, it is its duty so to restrict and limit the former as to secure and advance the latter.
   a. It is an old maxim of the law that "Personal liberty ends where public injury begins."
   b. Another old maxim of the law is "Sic utere tuo ut alienum non laedas."
4. The liberty of any person to poison his neighbors, or even to poison himself and thus serve to handicap posterity, is anti-social and thoroughly undesirable, and therefore, must be restrained and prohibited by organized society.

F. Imperfect enforcement or local non-enforcement is not a valid objection to prohibition.
   1. It is merely an argument for enforcement.
   2. New and drastic laws are better enforced after the lapse of a few years.
   3. The Eighteenth Amendment has been more effectively enforced than has the Fifteenth, which was supposed to give the colored people the right to vote.
   4. The Volstead Act has been as well, and in some cases better, enforced than have other important laws.
      a. The laws against trusts, monopolies, and profiteering.
      b. The pure food laws.
      c. The general property tax laws of many states.
   5. The Volstead Act is now as well enforced as license or local option laws ever were.

6. Much less harm is done to society now by the bootlegger or by poison booze than was formerly done by the licensed liquor traffic, or would be done by legalizing the manufacture and sale of wines and beer.
   a. Avowed criminals can do much less harm to society than can the liquor traffic when clothed by the law with a semblance of respectability.
   b. Much less alcohol is now consumed.
   c. Fewer boys and young men are now being lured into the drink habit by the snares of the grill room and the open saloon.
7. Non-enforcement has been largely due to temporary causes.
   a. The lack of good faith by high officials.
   b. The placing the Federal enforcement service under the spoils system.
   c. The presence in society of old soaks, whose absence will purify the next generation.
8. There is no danger to our institutions in non-enforcement.
   a. There is nothing at all new about the liquor traffic violating the law.
   b. No law has ever been obeyed 100 per cent.
      (1) There have been laws against murder for several thousand years, and murders are of frequent occurence, and nobody sees in them any danger to our institutions.
9. Most of the statements about the amount

of liquor now consumed are ridiculous exaggerations.

a. It has been frequently said that prohibition has made this a country of home-brewers, but Hugh F. Fox, Secretary of the U.S. Brewers' Association, and one of the best informed men on this point in America, has said in a letter dated January 28, 1924, "The home-brew business is negligible. Home-brews are troublesome and unsatisfactory."

b. It has frequently been claimed that vast amounts of liquor are being smuggled into the country, but Mr. Haynes, the Prohibition Commissioner says in his book, Prohibition Inside Out, p. 15, that it is almost impossible now to buy good whisky, and that more than 95 per cent of the whisky now consumed is adulterated moonshine.

II. It would be very unwise for the Federal government to legalize the manufacture and sale of wines and beer.

A. It would not improve present conditions.

1. The liquor traffic would not then obey the law.

a. It has never obeyed the law.

b. The criminal classes would still make, smuggle, and sell the stronger liquors.

c. If the saloon did not return, there would be much more bootlegging than now because it would be easier to get the supply.

2. The consumption of alcohol would be very greatly increased.

a. Before the adoption of prohibition much more alcohol was consumed in the form of beer than in the distilled spirits.

B. It would be unjust to the thirty-three states that had adopted prohibition by state action before the Eighteenth Amendment was ratified.

1. More than two-thirds of the states are in this class.
2. Liquor could easily be smuggled across state lines.
3. Commerce between states is not under state control.

C. Most of the ills from which the human race suffers are due to alcoholic liquors.

1. Scientific research has shown that alcohol is a narcotic habit-forming poison.
   a. Its use caused many thousand deaths a year.
   b. Its use makes a person more susceptible to disease and less able to resist.
   c. About one-quarter of the insanity is due to alcohol.
   d. It causes feeble-mindedness, blindness, epilepsy, insanity, and other forms of degeneracy among the descendants of users.
2. Alcohol lowers the standard of character and public morals.
   a. It caused a large part of all the petty crime.
   b. It created a considerable part of all the pauperism.
   c. It was the leading cause of commercialized vice.

d. It was responsible for a large part of the divorces and desertions.
e. It caused most of the child misery.
f. It corrupted government, interfered with the administration of justice, and made cowards of men in public life.

3. It was a staggering economic burden to society.
a. More than $2,000,000,000 a year was spent for alcoholic liquors in the United States before the adoption of prohibition.
b. The indirect cost to society was much greater.

D. "Light" wines and "wholesome" beer are neither food nor medicine, but habit-forming poison.
1. "Light" wine contains from 7 to 15 per cent of alcohol.
2. "Wholesome" beer contains from 4 to 8 per cent of alcohol and other poisons.
a. It is a well-known fact that most drunkards begin by drinking beer.
3. The statistics compiled by life insurance companies show beyond any doubt that even moderate drinkers of wine and beer die earlier than total abstainers.

E. The modern world demands sober, healthy men and women.
1. Modern industry demands clear minds and steady hands.
a. Industrial accidents must be reduced.
b. Efficiency and regularity in industry must be attained.

c. Modern industry is so highly specialized, so organized and co-ordinated, that drinking men are out of place in it.

2. International supremacy will go to a sober nation.
   a. In the keen rivalry of the nations of today supremacy must go to the one that is most efficient.
   b. Sobriety increases the man-power of a nation.

3. The employee class needs prohibition to aid it in its class struggle.
   a. In times of strikes and other labor troubles, clear minds and steady determination are needed for success.
   b. Labor can permanently secure higher wages only by being more efficient.

4. To secure clean honest politics and get our best men and women into public life, it is necessary that neither the saloon nor the liquor traffic should ever be permitted to return, or be recognized or countenanced by law.
   a. It was the liquor traffic and the saloon that corrupted and debauched American politics and kept our best people entirely out of public life.
   b. It was in 1916 that Harry M. Daugherty, afterwards Attorney General of the United States, said, "We will never again have a fair square election in the state of Ohio until we put the liquor interest, as an interest, out of politics, and I am convinced we can only put it out of politics by putting it out of business."

III. It is impracticable for the Federal government now to legalize the manufacture and sale of wine and beer.

A. This system has failed wherever it has been tried.

1. It was tried in Massachusetts from 1870 to 1873.
2. Iowa tried it in 1858.
3. Georgia tried it from 1908 to 1915.
4. It was also tried in the territory of Hawaii.
5. In all four of these places it was a total failure.
   a. It meant the return of the saloon with all its evils.
   b. It produced increased drunkenness.
   c. It gave the liquor traffic an organization among the vicious elements of society with which it could control men in public life and fight its way back to control legislation.
6. Chief Justice Taft has declared the plan unenforcible.

B. It is an illogical backward step.

1. There is no logical reason why the government should legalize the manufacture and sale of a liquor that contains from 7 to 15 per cent of alcohol and not legalize the manufacture and sale of one that contains from 15 to 25 per cent.
2. It would be a fatal retreat.
   a. It would rob the whole temperance movement in America of its momentum.
   b. It would destroy national prohibition before it has had a fair trial.
3. Wine and beer will not drive out or even decrease the sale of the stronger drinks.

a. It has always been true that the more beer sold and consumed, the more whisky sold and used.
b. The two have always gone together.

4. If adopted, it would simply re-open the whole prohibition question.
   a. The Anti-Saloon League would begin its fight for national prohibition all over again.
   b. Since the states would still be able to prohibit the manufacture of wine and beer, in each of them the whole question would be fought out again.

C. The legalizing of the manufacture and sale of wine and beer would be only the entering wedge for the repeal of the Eighteenth Amendment and the return of the saloon.

1. The liquor interests have always acted as a unit in fighting all temperance and prohibition legislation.
   a. A hundred years ago they fought and ridiculed the Temperance Societies.
   b. Fifty years ago they fought the brave and noble women who organized the Woman's Christian Temperance Union.
   c. For the last thirty years the liquor interests have fought the Anti-Saloon League.
   d. At every turn and corner the liquor interests fought the adoption of national prohibition.

2. The war between moral righteousness and the liquor interests is still going on.
   a. The "light" wine and "wholesome" beer drive is only one little skirmish under a heavy smoke screen in the

hundred years' war against the poison peddlers.

b. If the liquor interests win, they will be encouraged, move forward to an advanced position, and demand the return of the saloon.

D. It would impair the dignity of the government and the sanctity of the law.

1. The chief argument against national prohibition being non-enforcement, its modification by legalizing wine and beer would be an admission of the weakness and impotence of the Federal government and of the state governments.
2. The dignity of the relations of the government and the law to private citizens and to posterity forbids the legalizing or countenancing of the traffic in habit-forming poisons.
3. There must be no official compromise, no public armistice, between organized society and the profiteers who make money out of vice and crime.
4. It has always been impossible to regulate the liquor traffic, and therefore it must be destroyed.
   a. All attempts at legal regulation have failed.
   b. Lloyd George has said that nothing but root and branch methods will be of the slightest avail in dealing with the liquor traffic.

E. Even if some modification of our present laws were necessary or desirable, (and we believe it is not), there are better methods to bring it about than the legalizing of the manufacture and sale of wine and beer.

1. It would be far better to issue a permit to any law abiding person to make at home for his own family use a small quantity of wine or beer.
   a. This plan would eliminate the sale or traffic in intoxicating liquors.
   b. It would not greatly increase the consumption of alcohol.
   c. It would entirely eliminate the corrupting and sinful element of private profit.
      (1) Private profit has always been the teeth of the liquor wolf.
   d. It would have all the so-called benefits without the inevitable and enormous harm that would follow the legalizing of the manufacture and sale of wine and beer.
      (1) It would make it possible for law-abiding people to have reasonable quantities of the milder liquors.
      (2) It would not put the liquor traffic back into politics.
      (3) It would not permit the wholesale manufacture of beer.

F. Public sentiment is against legalizing the manufacture and sale of wine and beer, or temporizing further with the liquor evil.
   1. This is clearly shown by the record-making ratification of the Eighteenth Amendment.
   2. Most of the states and cities that have expressed themselves since the adoption of the Volstead Act have been favorable to its strict enforcement.

3. The best of the newspapers and periodicals support this policy.
4. The best minds of the country are opposed to any modification and are in favor of strict enforcement.
   a. This is clearly shown by the facts and opinions collected by the Manufacturers' Record and published in their pamphlet called the "Prohibition Question."

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Anti-Prohibition League of Missouri, 1400 Euclid Ave., St. Louis, Mo.
†Association Against the Prohibition Amendment, National headquarters, 511 Eleventh St. N.W., Washington, D.C. William H. Slayton, National Managing Vice-President; G. C. Hinckley, National Secretary and Treasurer. Branches and branch offices in many states and larger cities.
Manufacturers' and Dealers' League of the City and State of New York.
†Moderation League, 56 West 45th St., New York City.
†National Camp of the Veterans of Liberty, 17 N. La Salle St., Chicago, Ill. Robert J. Halle, secretary.
National German-American Alliance, 419 Walnut St., Philadelphia, Pa.
†United States Brewers' Association, 50 Union Square, New York City. Hugh F. Fox, secretary.

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Organizations Opposing Modification or Repeal of Prohibition

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†Anti-Saloon League of America. Ernest H. Cherrington, General Manager Department of Publishing Interests, Westerville, O.; Wayne B. Wheeler, General Counsel and Legislative Superintendent, 30 Bliss Bldg., Washington, D.C.

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†National Temperance Society, 289 Fourth Ave., New York City.

†National Woman's Christian Temperance Union, 1730 Chicago Ave., Evanston, Ill.; 35 B. Street, N.W., Washington, D.C.

Prohibition National Committee, 206 Pennsylvania Ave., S.E., Washington, D.C. Virgil G. Hinshaw, chairman.

†Scientific Temperance Federation, 73 Tremont St., Boston, Mass. Cora Frances Stoddard, executive secretary.

†World League Against Alcoholism, 30 Bliss Bldg., Washington, D.C. (Affiliated with the Anti-Saloon League)

†World Prohibition and Reform Federation (formerly International Reform Bureau), 206 Pennsylvania Ave., S.E., Washington, D.C. Virgil G. Hinshaw, superintendent.

Periodicals Opposing Modification or Repeal of Prohibition

American Issue (weekly), Anti-Saloon League, Westerville, O.

California Voice (weekly), 208 Bryson Bldg., Los Angeles, Cal. Wiley J. Phillips, editor.

Illinois Banner (weekly), 32 S. Vermillion St., Danville, Ill. George W. Woolsey, editor.

Index (monthly), Prohibition League of Williamsport, Williamsport, Pa. C. W. Huntington, editor.

Intercollegiate Statesman (monthly, October to May), Intercollegiate Prohibition Association, 35 B Street, N.W., Washington, D.C. Harry S. Warner, editor.

National Advocate (monthly), National Temperance Society, 289 Fourth Ave., New York City. Charles Scanlon, editor.

National Enquirer (weekly), Flying Squadron Foundation, 1200 People's Bank Bldg., Indianapolis, Ind. Oliver W. Stewart, editor.

Scientific Temperance Journal (Quarterly), Scientific Temperance Federation, 73 Tremont St., Boston, Mass. Cora Frances Stoddard, editor.

Union Signal (weekly), National Woman's Christian Temperance Union, 1730 Chicago Ave., Evanston, Ill. Anna A. Gordon, editor.

Water Lily (monthly), National Temperance Society, 289 Fourth Ave., New York City. Annie E. Oldrey, editor.

World Dry (monthly), World Prohibition and Reform Federation, 206 Pennsylvania Ave., S.E., Washington, D.C. J. Raymond Schmidt, editor.

Young Crusader (monthly), National Woman's Christian Temperance Union, 1730 Chicago Ave., Evanston, Ill.

Youth's Temperance Banner (monthly), National Temperance Society, 289 Fourth Ave., New York City. Annie E. Oldrey, editor.

GENERAL DISCUSSION

I. PHYSIOLOGICAL RESULTS OF ALCOHOL AS A BEVERAGE

THE FACTS ABOUT ALCOHOL[1]

1. In small quantities alcohol is oxidized in the body, a little of it, however, being excreted unchanged in the breath and urine. A certain amount of protein is saved from decomposition when alcohol is taken, just as when fat or sugar is taken. For example, the addition of one hundred and thirty grams of sugar to the daily food of an individual caused a sparing of three-tenths gram nitrogen. The substitution of seventy-two grams alcohol for the sugar caused two-tenths gram nitrogen to be spared. (Atwater and Benedict.) Alcohol is therefore to some extent a food substance, although it is not, under ordinary circumstances, taken for the sake of the energy its oxidation can supply, but as a stimulant.

2. There is no reason to suppose that this energy cannot be utilized as a source of work in the body. Indeed a certain amount of alcohol may be normally formed in the tissues as one of the intermediate products in the oxidation of sugar. Heat can certainly be produced from it, but this is far more than counterbalanced by the increase in the heat loss which the dilation of the cutaneous vessels caused by alcohol, brings about.

3. It is a valuable drug, when judiciously employed, in certain diseases—e.g. pneumonia, and puerperal insanity. (Clouston.)

4. Alcohol is occasionally of use in disorders not amounting to serious diseases—e.g. in some cases of slow and difficult digestion. In these cases it may act by in-

[1] By Dr. G. N. Stewart. A Manual of Physiology. p. 618-19.

creasing the flow of certain of the digestive secretions, as saliva and gastric juice. This effect seems to more than counterbalance the retarding influence which, except when well diluted, it exerts on the chemical processes of digestion.

The action of alcohol on the secretion of gastric juice has been studied in a dog with a double gastric and oesophageal fistula. Before or during a sham meal of meat, alcohol diluted with water was given as an enema. After the enema the quantity of hydrochloric acid secreted increased in about the same proportion as the quantity of juice, but the pepsin was diminished, reaching a minimum after three-quarters to one and a quarter hours. The increase in the total quantity of the juice and in the acid over-compensated the moderate diminution in the digestive power, so that the net result was beneficial. (Pekelharing.) But it must be remembered that strong alcoholic beverages, when mixed with the gastric juice, and therefore when taken by the mouth, retard the proteolytic action, so that any favorable effect on the secretion of the juice may easily be lost in the subsequent digestion, unless the alcohol is dilute. (Chittenden and Mendel.) The action of alcohol introduced into the rectum on the gastric secretion is both reflex and direct.

5. Alcohol is of no use for healthy men.

6. Alcohol in strictly moderate doses (not more than one and one-half ounces of absolute alcohol), properly diluted and especially when taken with food, is not harmful to healthy men, living and working under ordinary conditions.

7. Modern experience goes to show that in severe and continuous exertion, coupled with exposure to all weathers, as in war and in exploring expeditions, alcohol is injurious, and it is well-known that it must be avoided in mountain climbing.

Alcohol in small doses, when given by the stomach or (in animals) injected into the blood, causes stimulation of the respiratory center and increase in the pulmonary

ventilation. In man, this increase usually amounts to 8 to 15 per cent, but is occasionally much greater. But the limit which separates the favorable action of the small dose from the hurtful action of the large, is easily overstepped. When this is done, and the dose is continually increased, the activity of the respiratory center is first diminished and finally abolished. In dogs, for instance, after the injection of considerable quantities of alcohol into the stomach, death takes place from respiratory failure, and the breathing when the heart is still unweakened. This is the final outcome of a progressive impairment in the activity of the center, of which the slow and heavy breathing of the drunken man represents an earlier stage.

THE PSYCHOLOGICAL EFFECTS OF ALCOHOL [1]

The more blood goes to the skin, the more blood is cooled. The body as a whole may be cooler, but we feel warmer when there is more blood in the skin because of the effect to the warm blood upon the nerves of temperature. There are no nerves for perceiving temperature except in the skin and mucous membrane, and the body has practically no sensation of heat and cold except from the skin or mucous membrane. That alcoholic drinks make the skin red is commonly noticed. Often the skin is flushed by one drink; the bloodshot eyes and purple skin of the toper are the results of habitual use. Can you explain why alcohol brings a deceptive feeling of warmth? Why does alcohol increase the danger of freezing during very cold weather? (p. 21-2.)

After a person has taken an alcoholic drink his face and skin are likely to become flushed, and perhaps his heart beats faster. Most investigators have found that the alcohol itself does not directly increase or strengthen the action of the heart. Hence it is probably wrong to

[1] By Walter M. Coleman. Human Biology. Pages as noted above.

call alcohol a heart stimulant. The flushing of the skin is believed to be due to the relaxing effect of alcohol. It relaxes, it paralyzes, the vasomotor nerves which control the little muscle fibres in the walls of the blood vessels. The relaxing and enlarging of the blood vessels decreases the resistance to the blood flow, and the heart beats faster under its lighter load. The narcotic effect of alcohol is much more powerful than its irritating or stimulating effect. The effect of alcohol in causing fatty degeneration of the muscles often weakens the heart and other blood vessels. (p. 67-8.)

A few years ago Professor Atwater proved that if alcohol is taken in small quantities it is so completely burned in the body that not over 2 per cent is excreted. He infered that it is a food, since it gives heat to the body and possibly gives energy also. His experiments did not show whether any organ was weakened or injured by its use. As alcohol is chiefly burned in the liver, it probably cannot supply energy as is the case with food burned in nerve cell and muscle cell. The heat supplied by its burning is largely lost by the rush of blood to the skin usually caused by drinking the alcohol. Dr. Beebe, unlike Professor Atwater, experimented upon persons who had never taken alcohol, and whose bodies had not had time to become trained to resist its evil effects. He found that it caused an increased excretion of nitrogen. When the body became used to it, this decreased, but the proteid excreted by the kidneys contained an abnormal amount of a harmful material called uric acid. Uric acid, a substance which is present in rheumatism and other diseases, is usually destroyed by the liver. As the burden of destroying the alcohol falls chiefly upon the liver, it is not surprising to find that it is so weakened and injured by alcoholic drink that it cannot fully perform its important functions. Bright's disease and other diseases accompanied by uric acid are more frequent among persons who use alcoholic drinks. (p. 113-14.)

THE RELATION OF ALCOHOL TO NUTRITION [1]

W. O. Atwater, professor of chemistry at Wesleyan University, Middletown, Connecticut, and head of the work being done in the government experiment stations on the chemistry of foods, has arraigned the school text-books of physiology before the American people on the charge of falsehood, because these books teach the boys of America that alcohol is a poison and not a food, while his experiments with men shut up in a calorimeter demonstrate to his satisfaction that "alcohol is a food" and "not a poison, in moderate quantities." Professor Atwater's definition of food is "that which taken into the body builds tissues or yields energy." Note especially the alternative between "tissue-building" and "energy-yielding." According to this experimenter, any substance is a food if it is oxidized "in the body" anywhere between the mouth and the excretory surface. Not since the days of Liebig, a half-century ago, have the bars that set a boundary to foods been so ruthlessly torn down. Even iron filings and phosphorous satisfy the terms of this definition; and a long list of ptomains, leucomains, and toxins come clearly within the definition.

THE TRUTH ABOUT [2]

Alcohol	Food
1. A certain quantity will produce a certain effect at first, but it requires more and more to produce the same effect when the drug is used habitually.	1. A certain quantity will produce a certain effect at first, and the same quantity will always produce the same effect in a healthy body.

[1] By Dr. Winfield S. Hall. Journal of the American Medical Association. 35: 68. July 14, 1900.

[2] By Dr. Winfield S. Hall. Journal of the American Medical Association. 35: 71. July 14, 1900.

Alcohol	Food
2. When used habitually, it is likely to induce an uncontrollable desire for more, in ever increasing amounts.	2. The habitual use of food never induces an uncontrollable desire for it, in ever increasing amounts.
3. After its habitual use a sudden total abstinence is likely to cause a serious derangement of the central nervous system.	3. After its habitual use a sudden total abstinence never causes any derangement of the central nervous system.
4. Alcohol is oxidized rapidly in the body.	4. All foods are oxidized slowly in the body.
5. Alcohol, not being useful, is not stored in the body.	5. All foods, being useful, are stored in the body.
6. Alcohol is a product of decomposition of food in the presence of a scarcity of oxygen.	6. All foods are the products of constructive activity of protoplasm in the presence of abundant oxygen.
7. Alcohol is an excretion and, in common with all excretions, is poisonous. It may be beneficial in certain phases of disease, but it is never beneficial to the healthy body.	7. All foods are formed by nature for nourishment and are by nature wholesome and always beneficial to the healthy body, tho they may injure the body in certain phases of disease.
8. The use of alcohol, in common with narcotics in general, is followed by a reaction.	8. The use of foods is followed by no reaction.

Alcohol	Food
9. The use of alcohol is followed by a decrease in the activity of the muscle-cells and brain cells.	9. The use of food is followed by an increased activity of the muscle-cells and brain-cells.
10. The use of alcohol is followed by a decrease in the secretion of CO_2.	10. The use of food is followed by an increase in the excretion of CO_2.
11. The use of alcohol is followed by an accumulation of fat thru decreased activity.	11. The use of food may be followed by an accumulation of fat, notwithstanding increased activity.
12. The use of alcohol is followed by a fall in body temperature.	12. The use of food is followed by a rise in body temperature.
13. The use of alcohol weakens and unsteadies the muscles.	13. The use of food strengthens and steadies the muscles.
14. The use of alcohol makes the brain less active and accurate.	14. The use of food makes the brain more active and accurate.

ALCOHOL AND INSANITY[1]

Whether or not the question of the effect of alcohol upon heredity be debatable, science leaves no grounds for discussion as to the direct effect upon the individual. It is not necessary, indeed, to call upon science for demonstration; a walk through a ward of alcoholics, or for the insane in any hospital, lays bare the appalling results of

[1] By Dr. C. C. Wholey. West Virginia Medical Journal. 7: 260-4. February, 1913.

chronic alcoholism—all grades of inflammation of the nerves from that of the single nerve, or group of nerves, to complete paralysis of the arms and legs. There is in the body no nerve which may not become the seat of inflammation induced by alcohol; and the brain itself may become affected, manifesting the injury in delirium tremens, strange delusions, and lapses of memory, under which crimes, impossible to the same individual under normal condition, such as forgery or murder, may be committed, and finally the result is all too often incurable insanity. I will quote from the latest bulletin of Manhattan State Hospital: "Of the insane under the care of the state 28 per cent owe their insanity to alcohol as a determining cause. In many instances there are other contributing causes, but these cases of insanity would not have occurred had it not been for the use of alcohol." Dr. Hoch says: "From a series of fifteen thousand male patients admitted to hospitals in New York and Massachusetts, 24 per cent suffered from alcoholic insanity."

Cushny, the most noted modern authority on the action of drugs, says: "Even the smallest quantities of alcohol tend to lessen the activity of the brain, the drug appearing to act most strongly, and, therefore in the smallest quantities, on the most recently acquired faculties, to annihilate those qualities which have been built up through education and experience, the power of self-control, and the sense of responsibility.

ALCOHOL AND THE DURATION OF LIFE[1]

The average man in these sad times takes a drink whenever he can get it. This does not necessarily mean that he is lacking in either sense or prudence. It merely indicates that his contact with alcoholic beverages has been, on the whole, pleasant, and that his general ex-

[1] By Dr. Raymond Pearl. American Mercury. 1: 213-15. February, 1924.

perience with the whole world and his fellow men has not substantiated the horrendous tales about the devastating consequences, in disease and early death, of any indulgence in alcohol which have been dinned into his ears from earliest childhood. He has seen people drink themselves to death, to be sure; but he has observed that a vastly larger number of persons have used alcohol with freedom, but not in excess, all their lives, and ultimately died of no different diseases and at no different ages than other people, so far as he can judge. Furthermore he notes that while in some countries and times a great deal more alcohol is consumed than in others, there are no striking, or even evident, corresponding changes in either general well-being or rates of mortality.

In spite of this general experience, most men do not feel quite easy about the matter, because of the teaching as to the direful effects of alcohol to which they were subjected in their youth. In a number of states it is a legal requirement that all elementary-school physiology and hygiene shall include the teaching that alcohol is harmful. Naturally, no real evidence can be presented, and probably it is fair to say that real evidence is the last thing that those responsible for the placing of this legislation on the statute books would have desired. School boys and girls, however, are apt to believe what teacher and text book tell them. So what would otherwise be the unquestioned conclusion from adult experience is in some degree clouded and shaken by the relics of childhood teaching.

Another thing which gives the common citizen pause in accepting whole-heartedly the idea that the moderate and judicious drinking of alcohol is not seriously harmful, is that he has been told that the experience of life insurance companies has proved that the use of even the smallest amount definitely shortens life. The deductions of the actuary have a great reputation for deadly precision and finality among persons who know nothing

about their basis. This reputation is probably somewhat higher, in general, than the real merits of the case would warrant. Certainly in the matter of present interest, what the insurance companies actually know about the effects of alcohol upon mortality can by no possibility be held to justify the conclusions which the public, sternly guided by the Anti-Saloon League and the W.C.T.U., have drawn. The insurance "evidence" on alcohol suffers from two fundamental defects. They are:

1. There is no definite knowledge of the alcoholic habits of the individual over any significant portion of his life. The only knowledge an insurance company has of an individual comes from (*a*) the statements of the individual himself when he applies for a policy; (*b*) the continuance of his life as evidenced by the payment of premiums, and (*c*) his death, as evidenced by a claim under the policy contract. Now, granting that every applicant told the truth when he applied, the picture of his alcoholic habits then set down is, and can be, only of that time and the immediate past. But nothing is more certain than that the drinking habits of many individuals change from what they are at the comparatively early age at which insurance is applied for. These habits may and do change in both directions. Some persons become heavier drinkers, others less heavy, than when they applied for insurance. So then, in fact, it may be taken to be the case that in the non-abstainer section of insurance experience there is a mixture, in wholly unknown proportions, of (*a*) persons who, for the major portions of their lives, have been total abstainers; (*b*) moderate drinkers; (*c*) excessive drinkers. There will also be the same three classes, again in quite unknown proportions, represented in the abstainers' class in the experience of all companies except a very few which require an annual statement from the policy-holder as to his continued abstention.

2. Since most insurance companies are known to discriminate against persons using alcohol as a beverage in more than a certain (to the applicant unknown) amount or degree, an incentive is at once created for the applicant to understate the amount of his alcoholic indulgence. The discrimination may take the form of a refusal to accept the risk, or of a demand for an increased premium rate, or of a reduced participation in so-called bonuses or dividends. But in any case there is a powerful incentive for the applicant to make out as favorable a case as possible for himself.

I can best put the insurance case in this way: Suppose an experimenter wished to determine the effect of the typhoid bacillus upon longevity, and to that end fed a varying and unknown amount of a broth culture containing varying and unknown numbers of bacilli to a number of animals of varying and unknown hereditary constitutions and innate degrees of resistance to typhoid; then shut them up in a room with free and unlimited access to cultures of typhoid germs; *and made no further observation upon them whatever, except of the time of their death.* What possible deductions could be made from such an experiment? Yet it would furnish data which in every essential would be precisely of the same character and value as the experience of life insurance companies regarding alcohol and the duration of life.

Can we do no better than this? The question is an important one. What is needed is critical *ad hoc* data, in which the alcoholic habits of the individual throughout life are accurately known and recorded. Such evidence does not exist either in official or in insurance statistics. The data must be collected at first hand, with due regard to all the biological and statistical pitfalls along the way. A respectable body of such material I have recently been able to get through the activity of a group of trained eugenic field workers. It has been analyzed in detail in

a recent book "The Action of Alcohol on Man," with results which can be only briefly summarized here.

The data included twelve hundred and fifty-nine men and seven hundred and eighty-eight women. They fell into three groups as to drinking habits: total abstainers, moderate and occasional drinkers, and heavy and steady drinkers. Appropriate mathematical analysis of the data showed that the average total duration of life of those entering the experience at the age of twenty was as follows:

Males

Total abstainers	60.05 years
Moderate and occasional	61.04 "
Heavy and steady	55.37 "

Females

Total abstainers	58.49 years
Moderate and occasional	61.70 "
Heavy and steady	47.50 "

For white urban dwellers the official United States life tables show an average total duration of life of males entering the experience at the age of twenty of 60.51 years, and of females of 63.51 years. These figures demonstrate that our material for the study of the alcohol problem is normal from an actuarial standpoint.

The conclusion which is reached from an elaborate and critical mathematical, biological, and sociological analysis of this material is that while heavy drinking distinctly shortens life, moderate drinking, on the other hand, is associated with no different duration of life than is total abstention. Actually, the moderate drinkers show a superior average of duration of life as compared with the abstainers, amounting to .99 of a year in the case of males and 3.21 years in the case of females, both groups entering the experience at the age of twenty. No stress, however, is to be laid on these small differences.

BRIEF EXCERPTS

To talk of alcohol as a food is really absurd.—*Dr. Wood Hutchinson. A Handbook of Health. p. 97.*

Alcohol tends to lower the temperature of the body by increasing the amount of heat lost.—*Dr. Milton J. Rosenau. Preventive Medicine and Hygiene. p. 355.*

Alcohol is a poison. The very word "intoxication" is a recognition of this fact.—*Dr. Albert M. Barrett. American Magazine. 93:14. March, 1922.*

Whisky and brandy are entirely unnecessary in medical practice.—*Dr. Bernard Fantus. Journal of the American Medical Association. 75: 1144. April 24, 1920.*

The long and sad experience of the race with alcohol proves that the attempt to adapt the body to its use should be given up.—*Walter M. Coleman. Human Biology. p. 22.*

The history of heredity conducts us to alcoholism, and these two should be considered the principal causes of degeneration.—*Dr. Jules Morel. American Journal of Sociology. 5: 81. July, 1899.*

It is likely that alcohol, as a predisposing or as an immediate cause, is responsible for more than a third of all admissions to our hospitals for the insane.—*Dr. Milton J. Rosenau. Preventive Medicine and Hygiene. p. 301.*

As alcohol is burned up in the body, it saves carbohydrates, fat, and albumen, and is therefore to be reckoned among the nutritive substances.—*John Koren. Alcohol and Society. p. 6.*

Most investigators feel that there are too many criminal, imbecile, insane, and unhealthy persons among the offspring of drunkards to dismiss the matter as a coincidence.—*Michael F. Guyer. Being Well-born. p. 168.*

Alcoholic subjects with degenerated tissues are well known to fall easy victims to infectious diseases.—*Dr. Robert B. Wild. British Journal of Inebriety. 16: 65. January, 1919.*

Alcohol which ancestors use seems to curse numberless descendants in body or mind or in both. The worst of it is that the curse is liable to be passed on even though these descendants do not themselves use alcohol. —*Frances G. Jewett. The Next Generation. p. 125.*

There are few medical men today who would not agree that it [alcohol] is a most valuable drug and one which we could ill do without in practice.—*Dr. Robert Hutchinson in Starling, Ernest H. The Action of Alcohol on Man. p. 177.*

Alcohol does not belong to the poisons. It is rather a substance which, taken in moderation, nourishes and exerts special effects on the nervous system, effects that are not even disturbances, and therefore not phenomena of poisoning.—*Dr. J. Starke. Alcohol, the Sanction for Its Use. p. xx.*

Having a great affinity for water and being a coagulant of protein, alcohol tends to destroy the cells. It should, therefore, be regarded essentially as a protoplasmic poison.—*Dr. Russell Burton-Opitz. A Text Book of Physiology for Students and Practitioners of Medicine. p. 1063.*

No thorough study of its [alcohol's] influences could warrant any other conclusion than that it is the most ac-

tive influence present in our social life for the production of poverty, criminality, and physical and nervous degeneracy.—*Report of the Commission to Investigate the Extent of Feeblemindedness, Epilepsy, and Insanity in Michigan. p. 28.*

The consumption of alcoholic beverages up to an amount and frequency which in common parlance is called moderate does not sensibly shorten the mean duration of life or increase the rate of mortality, as compared with that enjoyed by total abstainers from alcohol.—*Raymond Pearl in Starling, Ernest H. The Action of Alcohol on Man. p. 278.*

The strongest indictment against alcohol is that it excites the passions and at the same time diminishes the will power. The fact that alcohol lowers moral tone does much more harm than all the cirrhotic livers, hardened arteries, shrunken kidneys, inflamed stomachs, and other lesions believed to be caused by its excessive use.—*Dr. Milton J. Rosenau. Preventive Medicine and Hygiene. p. 58.*

The result of medical inspection in the schools of New York has revealed the fact that 53 per cent of the children of alcoholic parents are "dullards," as compared with 10 per cent of the children of abstainers. Researches on animals which had small quantities of alcohol administered in their food prove decisively that the hereditary factor in alcoholism is not imaginary.—*Dr. Alexander Bryce. The Laws of Life and Health. p. 105.*

There is no longer room for doubt in reference to the toxic action of alcoholic beverages as weak as 2.75 per cent by weight. If 27.5 grams of alcohol are taken in this form, the well defined and measurable depression in physical and mental processes, judged within the limits of this investigation, is not far short of the result found

when 21 to 28 grams of alcohol are taken in solutions varying from 14 to 22 per cent.—*Walter R. Miles. Alcohol and Human Efficiency. p. 275.*

Alcohol is without doubt a food. It is absorbed readily and rapidly both from the stomach and from the intestines. It passes into the blood and thence into all the tissues and fluids of the body. In the tissues it undergoes oxidation in the same way as sugar or fat. As a result of this oxidation energy is set free which may be utilized for the production of muscular work or as heat to maintain the temperature of the body.—*Dr. Ernest H. Starling. The Action of Alcohol on Man. p. 169.*

An ordinary, healthy adult may take without injury 1½ to 2 ounces of whisky (or other spirits) or two pints of light ale, or the equivalent in some other form of alcoholic drink, in a day. Possibly I might go further and state that in the case of a young, vigorous man, taking much vigorous exercise, producing excessive tissue waste, even more might be consumed without injury. The same applies to the hard-working laborer, the performance of whose daily work entails great output of muscular energy.—*Dr. Sidney Hillier. Popular Drugs. p. 61-2.*

Although it was long thought that the mortality from tuberculosis exceeded that resulting from any other disease in this country, it has recently been ascertained that there is another disease or group of diseases usually occurring together in the same subject which not only has a far greater mortality record, but is rapidly increasing. This is the group known as degenerative diseases, consisting of heart and kidney diseases and arteriosclerosis. While the mortality in the U.S. from tuberculosis during the year 1909 was about 127,000 the mortality from the degenerative diseases was 235,000, almost twice as

great. Tuberculosis is diminishing in amount. The degenerative diseases have increased since 1880 at the rate of 103 per cent. The chief causes of these diseases as a class are alcohol and excessive meat diet.—*Dr. Norman E. Ditman. Harper's Weekly. 55: 19. August 5, 1911.*

In the recent medico-actuarial investigation, including forty-three American life insurance companies, the combined experience on users of alcohol has been compiled, with very interesting results. It may be subdivided as follows: (1) Individuals who took two glasses of beer, or a glass of whisky, or their alcoholic equivalent, each day. In this group the mortality was 18 per cent in excess of the average. (2) Those who were accepted as standard risks but who gave a history of occasional alcoholic excess in the past. The mortality in this group was 50 per cent in excess of the mortality of insured lives in general, equivalent to a reduction of over four years in the average lifetime of the group. (3) Men who indulge more freely than the preceding group, but who are considered acceptable as standard insurance risks. In this group the mortality was 86 per cent in excess of the average.—*Fisher and Fisk. How to Live. p. 306-7.*

It is not attested by history nor by present-day facts that alcohol-using nations must inevitably succumb to the forces of intemperance. It is commonplace that peoples more or less habituated to the use of intoxicants have made incomparably greater progress in things that are the boast of our civilization than, for instance, totally or partially abstaining peoples, such as the Hindus and Mohammedans. Racial or cultural differences do not account for this condition. One notes, too, that the degree of eminence attained by various European nations does not seem to bear any relation whatsoever to their drink habits. The great war has served to bring this into

light. The endurance and ability to organize shown by France, not to mention her pre-eminence in peaceful pursuits, appear to be unimpaired, although the country is perhaps the most alcoholic in Europe. Both in pacific and military arts the Belgians measure high in the scale, although their consumption of drink is almost twice as great as that of the United States. No nation has developed a more marvelous efficiency and strength than the German, notwithstanding centuries-long extensive use of alcoholic drink.—*John Koren. Alcohol and Society. p. 16-17.*

Volumes have appeared on the effects of prohibition, but there has been an abundance of chaff of opinion and very little wheat of fact. By contrast, in a brief article in the current number of Mental Hygiene, Dr. Horatio Pollock and Miss Edith M. Furbush have threshed out of a mass of statistics a considerable quantity of substantial conclusions regarding the effects as traceable in mental disease. The authors have the complete record of the cases of alcoholic mental disease admitted to the thirteen civil State hospitals of the State of New York in the last fifteen years. If one contrasts the three years 1920-1922, since the coming of prohibition, with the three years before the World War, one finds that there has been a marked falling off in the number of new cases admitted: 541 as compared with 1,601. This is attributed to two principal causes: First, a change in the habits of the people with respect to excessive drinking, and second, restrictions on the liquor traffic. The decline corresponded closely to the lessened percentage of intemperate users of alcohol among all the new admissions, and it is inferred that this furnishes a good index of the general decline of excessive drinking.—*Editorial. New York Times. June 28, 1924.*

II. ECONOMIC RESULTS OF ALCOHOL AS A BEVERAGE

ALCOHOLISM OBSOLETE IN MODERN INDUSTRY[1]

This, in a special sense, is an industrial and commercial age. The implications, therefore, in the transformation which has taken place during the industrial revolution of the past few years deserve thoughtful consideration.

Railroad Prohibition

A few years ago, comparatively speaking, it was not unusual for newspapers to ascribe railroad wrecks to "drunken engineers." Railroad lines in America have increased in fifty years from fifty-three thousand miles to two hundred and sixty-four thousand miles. Railroad development of every character has gone forward in America until today twenty billions of dollars are invested and two million men are employed at an annual compensation of three billion dollars. These railroads carry annually more than two thousand million tons of freight and more than one thousand million passengers. Yet with sixty thousand railroad locomotives being driven on all lines throughout America, how many wrecks are today charged to drunken engineers, or drunken train dispatchers? American railroads will not employ an engineer who uses intoxicants either on or off duty. This imperative railroad law carries a far greater degree of punishment than any local, state or national

[1] By Ernest H. Cherrington. Anti-Saloon League Yearbook, 1922. p. 15-19.

prohibitory law. Even the liquor interests in America have long since ceased to defend the personal liberty of railroad engineers to drink intoxicants.

When American railroads modify their rules which have stood for a quarter of a century, so as to permit engineers, train dispatchers, and telegraph operators to use light wines and beer, the American Congress will doubtless be ready seriously to consider the advisability of modifying the Federal prohibition law.

Iron and Steel Versus Alcoholism

The giant lake freighters, which carry ore from the great Superior ore districts, are unloaded at American lake ports whence the ore is transported by trains to the numerous smelting furnaces of the United States, which produce more iron and steel each year than all the rest of the world. Comparatively a few years ago, vessels were unloaded by laborers with shovels and wheel-barrows. The unloading capacity under the old system was a hundred tons a day. Today electric machines unload such vessels at the rate of three thousand tons an hour. Even greater revolutions than this have taken place in the electrical equipment of iron and steel mills.

Under the old system it was possible for an unskilled employee with a brain well soaked with alcohol, to handle a shovel and a wheel-barrow. The intricate modern unloading equipment, however, cannot be entrusted to habitual users of alcoholic liquors. The same rule applies with even greater force to the vast electrical equipment now operating the iron and steel mills of the nation. When the iron and steel industry of America advocates the letting down of prohibition bars, Congress may heed the suggestion.

Dealcoholizing the Mining Industry

During the last ten years modern electrical inventions revolutionized the American coal mining industry. Elec-

trical mining machines with two operators today do the work which a decade ago required twenty miners. Seven hundred and fifty thousand American miners who already are producing more than 40 per cent of all the coal used in all the countries of the world, cannot begin to meet the demands even with the installation of modern equipment. Under the old system a miner with a brain fairly well soaked with alcohol could produce a few tons of coal a day, but the man who operates a modern electric mining machine must be sober.

The Passing of the "Drunken Sailor"

During the past nine years the tonnage of American ships clearing American ports increased from 4,793,523 net tons to 30,180,809 net tons—an increase of more than 500 per cent. The modern system of electric devices for the handling of ship cargoes installed on ships and at docks during the last few years has not only eliminated the proverbial "drunken sailor," but has created an imperative requirement for skilled men with clear brains. The old drunken sailor cannot meet the new test. America's part in the international commerce of the future cannot be jeopardized by compromise with the old system under which alcohol played a leading role.

An Industrial Revolution

Perhaps no series of legislative acts have so aroused the manufacturing interests in America to the absolute necessity of prohibition as the workmen's compensation laws passed during recent years in all but three states of the American union. As a result, millions upon millions have been invested in safety devices for the protection of life, limb and health of the ten million American manufacturing employees. Safety to workers and insurance to manufacturing interests preclude the possibility of those interests accepting the hazard which would be inevitable with the return of the beverage liquor traffic.

The Auto Truck and the Old Teamster.

Only a few years ago the vast tonnage of agricultural products and of industrial and commercial enterprises in America was moved on short hauls by wagons with teams and teamsters. Today the great proportion of that tonnage is moved by auto trucks. One large truck will move more tonnage than could be moved under the old system by ten wagons. Under the old system, half-drunken drivers might throw the lines around the dash board and depend upon the dumb animals drawing the load to avoid collision and the ditch. But the intrinsic value of more than a million automobile trucks now operating in America, to say nothing of the value of the tonnage involved, cannot be entrusted to alcoholized truck drivers.

An Automobilized Nation Without Prohibition

There are in operation in America ten million automobiles. All the rest of the world together employs two million automobiles. America therefore may be said to be the most thoroughly automobilized nation in the world. The great development of the automobile industry has taken place in the last decade, during which same period prohibition by state legislation was rapidly covering the area of the nation. The beverage alcohol system in operation in automobilized America today is unthinkable. What degree of safety, under alcohol, could be vouchsafed to any traveler upon any highway or any pedestrian upon any sidewalk of any town or any city? If America faces such a situation now, what will other countries of the world do in regard to this important question, as the use of automobiles rapidly increases?

Insurance Risks and Prohibition Inseparable

Perhaps no department of American business has developed so rapidly as life insurance. Insurance estates

are rapidly becoming important factors in the financial world. In slightly more than thirty years the amount of life insurance in America has increased from five billion dollars to more than forty-two billion dollars. The number of life insurance policies in existence in the United States in 1890 was 5,202,475. The number in 1900 was 14,395,347. The number in 1910 was 29,998,281, while the number in 1920 was 64,341,000. Investigations of actuaries covering long periods have established a decided difference between the actual costs of risks on the lives of abstainers as against those of non-abstainers. With this remarkable increase in the number and amount of risks carried by the American insurance companies, the greater part of which increase has come during the period of state and national prohibition, even the suggestion of a return to the days of alcoholism is startling. What would happen to millions of insurance risks, to the insurance companies themselves, and to the vast financial interests of America, in which those insurance companies now play so significant a part, were the beverage liquor traffic to be restored, with its attendant results through the use of alcohol, upon millions of policy holders, and its even more far-reaching effect upon mortality statistics that would inevitably result from accidents, disease and crime that would follow like an avalanche in the wake of alcoholism?

Aeronautics Demand Sobriety

The airship is in its infancy, yet the development of the past five years is prophetic of a day not many years ahead when the airship will be one of the most important factors in the life of the world. Leaving out of consideration all government, army and navy airship activities, the fact remains that during the year 1921 more than twelve hundred civilian aeroplanes were operated in

America, traveling more than six million five hundred thousand miles and carrying more than two hundred and seventy-five thousand passengers. It is not rash to prophesy that the airship in ten year's time will work a revolution in industry, commerce, travel, international relations and international law. Development of the airship as a real agency of travel and commerce in America under conditions which would be inevitable with the return of the beverage liquor traffic, is out of the question.

Alcoholism an Impossibility in the New Age

The liquor traffic may have been possible in the agricultural world in the age of the horse-drawn plow and the mule teamster; it is not possible in the age of the tractor, the great wheat-header and the auto truck. The liquor traffic may have been possible in the days when the wood chopper's ax was the only means of felling trees; it is not possible in the age when electrical operations are so essential to the rapidly increasing lumber industry. The liquor traffic may have been possible in the age of the drunken sailor and the drunken engineer and the age when manufacturing concerns were not responsible for the health and safety of employees; it is not possible in the age of the industrial development which has revolutionized railroad operations, the mining industry, manufacturing interests, international commerce and trade activities, and other great industries and enterprises which figure in economic progress. The liquor traffic may have been possible in the age of the ox-cart, but it is not possible in the age of the automobile. The liquor traffic may have been possible in the age of the stage coach, but it is not possible in the age of the airship. The liquor traffic may have been possible in the age of the water mill, but it is not possible in the age of the electric dynamo.

ECONOMIC RESULTS OF PROHIBITION IN RUSSIA[1]

The cheaper form of vodka is distilled from potatoes. The vodka industry, therefore, required the production of vast quantities of potatoes. The Poland potato crop had been planted in the spring of 1914, but when the war came on, the Emperor of Russia issued his famous edict prohibiting the manufacture and sale of all intoxicating liquors, including vodka. At first this seemed a crushing blow to the industry of Poland, but after the country had been desolated by war and the ordinary food supplies had been exhausted, the people of Poland found themselves in possession of a vast harvest of potatoes, and these potatoes, no longer valuable for the manufacture of vodka, provided a supply of food which kept the nation alive during the winter which followed.

Immediately after the taking effect of the edict, the savings bank deposits in Russia began to increase at a most amazing rate, and this notwithstanding the fact that Russia was in the midst of war, with her industries disturbed and all her usual business affairs depressed. A few figures may be given to illustrate this result of prohibition in Russia. The savings bank deposits in Russia, including Poland, on January 1, 1914, were 240,000,000 roubles (a rouble being about 50 cents); on February 1, 1914, 233,000,000 roubles; on March 1, 1914, 260,000,000 roubles. It will be noticed that these figures refer to dates before the prohibition edict was issued and also before the beginning of the war. The deposits on the corresponding dates one year later, while the war was at its height, show the following savings bank deposits in Russia. January 1, 1915, 438,000,000 roubles, an increase of nearly 100 per cent over the showing of January 1, 1914; February 1, 1915, 509,000,000 roubles, an increase

[1] By Ernest P. Bicknell. Proceedings of the 1916 Conference of Charities and Correction. p. 18-19.

of over 100 per cent; and March 1, 1915, 737,000,000 roubles, an increase of almost 200 per cent.

Americans living in Russia complained with jocular bitterness that the result of the prohibition edict had greatly complicated and intensified the servant problem in their homes. Since it had been common for workingmen to spend their wages regularly upon vodka the wives had been accustomed to seek domestic service. Soon after the prohibition edict took effect, a widespread exodus occurred on the part of these wives, who gave up their domestic service to return home, with the explanation that their husbands now had money enough to support them.

BRIEF EXCERPTS

Work and drink do not belong together, especially when the work demands alertness, attention, exactness, and industry.—*John Koren. Alcohol and Society. p. 15.*

All labor expended in producing strong drink is utterly unproductive; it adds nothing to the wealth of the community.—*Adam Smith. The Wealth of Nations.*

The widespread use of alcoholic beverages has been conservatively estimated as causing the loss of 21 per cent in the efficiency of the nation's workers.—*Dr. Edwin F. Bowers. Alcohol, Its Influence on Mind and Body. p. 185.*

In the year 1834 a Parliamentary Committee on Intemperance reported that the national loss of productive labor through intemperance amounted to £50,000,000 per annum, and was equal to the loss of one day's labor in six.—*John Newton. Our National Drink Bill. p. 115.*

Neal Dow quotes William E. Gladstone as saying, "We have suffered more in our time from intemperance

than from war, pestilence, and famine combined—those three great scourges of mankind."—*North American Review. 139: 179. August, 1884.*

Manufacturers generally estimate the loss of productive power, due to drunkenness and the inefficiency arising from drunkenness, at 8 to 12 per cent of the total wages.—*Alexander Johnston. Labor's Cyclopaedia of Political Science, etc. Vol. 3, p. 379.*

The resources of the Federation Bank, union labor's financial institution in New York, have increased from $500,000 on May 19, 1923, to $3,700,000, and are expected to reach the $4,000,000 mark by the end of January, 1924, according to Peter J. Brady, President. —*New York Times. December 26, 1923.*

There are more than a million jobs in America closed to the man who drinks alcoholic liquors. The railroads are not standing alone. Other great industries have come to see that alcohol makes only for accidents, inefficiency, and waste.—*Dr. Edwin F. Bowers. American Magazine. 82:41. July, 1916.*

Drink leads to idleness. The business men of our country are year by year drawing the line more strictly against the use of alcohol by employees. Why? Because a clear brain and a steady nerve are required in every important avenue of industry, and alcohol befuddles the brain and paralyzes the nerves.—*William J. Bryan in an address delivered in May, 1915.*

Drunkenness and drinking can not be overlooked as an important cause of discontent among working people. The factory saloon especially may be looked upon as one of their greatest curses. Not only does excessive drinking breed discontent but expenditures for liquor im-

poverish the home of the working man and cause great domestic distress.—*Carl H. Mote. Industrial Arbitration. p. 134.*

My primary objection to prohibition is not based on any argument against it, but on the one argument for it. I need nothing more for its condemnation than the only thing that is said in its defence. . . . The argument is that employees work harder, and therefore employers get richer. That this idea should be taken calmly, by itself, as the test of a problem of liberty, is in itself a final testimony to the presence of slavery.—*G. K. Chesterton. What I Saw in America. p. 145.*

For every young man in business who does drink, no matter how moderately, there is some young man of the abstaining kind waiting around the corner for his place and who will do his work all the better because he does abstain. And employers prefer the abstaining sort. The presidents of the two largest railroads in this country have each told me personally within the past year[1898] that they will no longer employ any man for any position on their roads who drinks even moderately. And this is growing to be a common custom in all branches of business. Alcohol is becoming more and more each day to be regarded in the business world as a positive detriment to a man's greatest usefulness.—*Edward W. Bok. Modern Eloquence. Vol. 4., p. 112.*

At Philadelphia I used four comparisons, based upon an expenditure of the sum of two and a half billions of dollars a year—that is, an average of $25 per capita or $125 per family. The comparisons then used showed (1) that there is daily spent for drink in the United States one-tenth of the sum expended for the carrying on of the war now raging in Europe; (2) that the amount expended for drink in the United States would

build six Panama canals each year; (3) that the amount annually spent for drink is more than three times the entire amount spent for education in the United States; and (4) that the amount spent for drink is almost double the annual expenditures of the federal government. —*William J. Bryan in an address delivered in May, 1915.*

III. POLITICAL RESULTS OF ALCOHOL AS A BEVERAGE

RUM REBELLIONS PAST AND PRESENT[1]

A rebellion is an organized attempt to forcibly resist the government. A rum rebellion is an attempt of the liquor interests to nullify the Constitution, or the laws, or to defy them, instead of changing them by the orderly processes of government. Liquor is now and always has been in rebellion against government control.

The first historic rum rebellion, commonly called The Whisky Rebellion of western Pennsylvania, occurred in 1794. Distilling whisky was the chief industry of that section. The price of the finished product was a shilling a gallon, and the tax proposed was seven cents a gallon. The whisky dealers rebelled at the imposition of the tax. They declared it was an interference with a legitimate business and an infringement upon their personal liberty. Those who counselled obedience to the law were visited with gross insults. Officers were assaulted; many people were killed. An attempt was made by the liquor dealers to call out the militia in their behalf, so as to involve so many in the crime of resistance that the government would not attempt to punish the insurrection. A number of people in Pittsburgh incurred the displeasure of the whisky dealers because they counselled obedience to the law, and the city was threatened with destruction. The governor failed to meet the situation promptly and President Washington made a requisition of thirteen thousand militia from Pennsylvania and adjoining states to suppress the rebellion. When the whisky insurgents realized

[1] By Wayne B. Wheeler. Forum. 65: 473-83. May, 1921.

that the government was in earnest, they capitulated, and two of the leaders were tried and convicted of treason.

Many of the families involved in the affair left the section and settled in the mountains of Kentucky, and the names of some famous moonshiners in Kentucky today are the same as those of certain leaders of the Pennsylvania Whisky Rebellion.

The attitude of liquor toward law has always been one of rebellion. The liquor traffic has defied every regulative, restrictive and prohibitory law placed on the statute books, and the present open rebellion of the traffic against the Constitution of the United States is only the final step in its long fight against the orderly processes of government.

During the War of 1812, when the government felt the necessity of increasing its revenue to sustain it in the extra burdens it was obliged to carry, a small tax in comparison to that which is now borne by the traffic, was laid upon the liquor trade. At the close of the war, the liquor dealers compelled Congress to remove this excise tax which had been levied to support the War of 1812. The inside historic facts concerning the repeal of the tax reflect no credit upon the methods used by the trade to secure immunity.

The unpatriotic attitude of the liquor traffic was revealed during the days of the Civil War. When the government was torn and bleeding at every pore, and the trade knew that the nation required money in order to continue the struggle, it reversed its attitude taken at the close of the War of 1812, and made a seductive plea for increased taxation on the trade. Prohibition sentiment had been increasing, and the trade knew that the best way to buy continuance of life was by paying what was then considered a liberal license. When once this policy was fastened on the government the liquor dealers realized the advantage it gave them, and they have since used it as their chief weapon against prohibition. Lincoln

knew the danger that would lie in the liquor revenue, and he foresaw how it would dull the conscience of the people, therefore he signed the bill that brought it with great reluctance, and only with the understanding that the measure would be repealed after the war.

When the smoke had lifted from the battle fields, and when the din of battle had subsided into the sobs and moans of war-made widows and orphans, it was found that the liquor traffic had entrenched itself in the state and Federal revenue laws, and had repealed state prohibitory laws save those of Maine alone. The good work of half a century done by earnest temperance folk had been undone.

The present slogan of the wets, "Prohibition was put over" has in it not a ghost of truth, but had the drys cried for the past fifty years "the liquor traffic was put over while the country bled for freedom and for unity in the Civil War," they would have had the facts on their side.

True to its colors the liquor traffic created scandal in army operations in Cuba and the Philippines, and in the army camps during the Spanish-American War the canteen outrage was its contribution toward promoting the morale of our troops.

The same demoralizing and degrading forces that had played traitor during the Civil War were at work to disrupt our army, and another chapter in the story of the Rum Rebellion was written in our national history.

Curbs, checks, regulations have been continuously ignored by the liquor traffic. It has persistently refused to obey the excise laws in New York, Chicago, San Francisco, and in practically all of the large cities, until public sentiment compelled their enforcement or until it was prohibited. It has always been a notorious fact that saloons have refused to obey the Sunday closing law. It has been the proud boast of many of their owners that they threw away their door keys when they opened their establishments. Municipal scandals have grown out of

the fact that corrupt politicians and their official pawns, mayors and police heads, have refused to enforce Sunday closing laws, while the laws against selling to minors and intoxicated persons were brazenly ignored in the past.

The attitude of the liquor interests during the World War was characteristic. The government appealed to the people to save food, fuel and transportation facilities to win the war. The liquor interests continued to waste food by the ton, while the people saved it by the pound. They used the cars and the coal needed to send food and supplies to the front to ship their beer and debauch the people, when the country, nay the world, needed a sober manhood and womanhood with all faculties and powers intact. They allied themselves with the disloyal forces in the government. The German-American Alliance secured a charter from the Federal government. Its activities, however, put it under suspicion and the government investigated. The testimony given before the Senate Judiciary Committee showed that this organization was disloyal, and it was also proved that the United States Brewers' Association, and brewers known to be pro-German, furnished much money used for German propaganda as well as for propaganda against Prohibition.

The representative of the brewers on the witness stand admitted that the National Association of Commerce and Labor, interested primarily in combatting prohibition, was to operate through the German-American Alliance, with the consent of the president and vice-president of the Alliance, and that the funds for the propaganda emanated in reality from the United States Brewers' Association.

The German-American Alliance Charter was revoked by the Congress without a dissenting vote. Following this the United States Senate ordered an investigation of the entire corrupt practices of the brewers and of their political activities. Over seven thousand pages of sworn

testimony were taken. The committee found everyone of the charges in Senate Resolution 307 were substantially sustained:

That the said United States Brewers' Association, brewing companies, and allied interests have in recent years made contributions to political campaigns on a great scale without precedent in the political history of the country and in violation of the laws of the land;

That in order to control legislation in the State and Nation, they have exacted pledges from candidates to office, including Congressmen and United States Senators, before election, such pledges being on file;

That, in order to influence public opinion to their ends, they have heavily subsidized the public press and stipulated when contracting for advertising space with the newspapers that a certain amount be editorial space, the literary material for the space being provided from the brewers' central office in New York;

That, in order to suppress expressions of opinion hostile to their trade and political interests, they have set in operation an extensive system of boycotting of American manufacturers, merchants, railroads, and other interests;

That for the furthering of their political enterprises, they have erected a political organization to carry out their purposes;

That they were allied to powerful suborganizations, among them the German-American Alliance, whose charter was revoked by the unanimous vote of Congress; the National Association of Commerce and Labor; and the Manufacturers and Dealers' Associations; and that they have their ramifications in other organizations neutral in character;

That they have on file political surveys of states, counties and districts tabulating the men and forces for and against them, and that they have paid large sums of money to citizens of the United States to advocate their cause and interests, including some in the government employ;

That they have defrauded the Federal Government by applying to their political corruption funds money which should have gone to the Federal Treasury in taxes.

Step by step we have shown the rebelliousness and disloyalty of the now outlawed liquor traffic up to the adoption of Federal prohibition. It defied the government in 1794; it was a tax-dodger in 1812; it took advantage of its country's necessity in the Civil War to entrench itself in public life; in the Spanish-American War it debauched our troops; in the World War it was pro-

German and anti-American. Is it not logical that today it should be in open rebellion against the Constitution of the United States and should incite to lawlessness and encourage nullification?

When two-thirds of Congress submitted the Eighteenth Amendment and fifteen-sixteenths of the states ratified it, people who had not studied the history of the liquor traffic thought the liquor interests would submit and obey the law until it was changed in a legal and orderly manner. Instead of doing this, the nine national liquor organizations continued their work against prohibition, and five new national liquor organizations came into the field to help.

"The Association Opposed to National Prohibition" has its headquarters in New York. It has boasted that it had $1,000,000,000 subscribed to see to it that the Eighteenth Amendment should not become operative. The "Association Opposed to the Prohibition Amendment" has its headquarters in Washington. It boasts that no liquor dealer is eligible, but its program is as follows, according to its own statement:

1. To get the Volstead Act out of the law.
2. To permit every state under the concurrent clause to pass its own enforcement act.

It also states in a paragraph of its prospectus: "If the majority of voters do not favor the law and if those against it organize so that they may be counted, the law will be repealed and the regulatory power under the prohibition amendment will be left to each state under the concurrent clause." The acknowledged program of these two organizations is simply a defiance of the Eighteenth Amendment. The New York organization frankly admits that its purpose is to prevent the Eighteenth Amendment from becoming operative.

The Washington organization proposes to repeal the Volstead Act and thus allow the wet states to remain wet in spite of the Constitution, and the dry states to enact

and enforce their own laws. No one can gainsay the fact that this means rebellion against national prohibition as written into the Constitution of the United States.

The campaign to overthrow the Eighteenth Amendment by other than legal methods is as follows:

The Association Opposed to National Prohibition planned to create a public sentiment by a false propaganda that would coerce the Supreme Court into a decision in their favor. This was the statement in their confidential prospectus:

> The members of the United States Supreme Court are extremely sensitive to public opinion. They must be made to feel the weight of public opinion that has been raised all over the country by this attempt to prohibit by Constitutional Amendment, the natural and inherent rights of free men in a free country. That sentiment can only be crystallized by the expenditure of a very considerable sum of money.

It planned to elect a Congress to repeal or destroy the laws to make the Eighteenth Amendment enforceable This is legislative rebellion.

It planned to elect public officials, bound by duty to enforce the law, who would encourage law-breakers in their lawlessness.

Governor Edwards, backed by the liquor interests, determined to capture the national convention of his own party in the interest of outlawed liquor and to make his own state as wet as the Atlantic Ocean. Fortunately, he met his Waterloo, and New Jersey is now again in the Union.

The Prosecuting Attorney at Iron River, Michigan, headed a rebellion against the Federal officers who seized liquor in that community. In the name of the law, this officer of the law attempted to discredit faithful Federal officers. The legality of the seizure of the liquor in question was decided in the Federal court upholding the Federal officers, and this rebellion, too, was nipped in the bud.

Chicago wets joined the rum rebellion, and would have succeeded in part, because of the indifference of the city administration, and the United States District Attorney who refused to do his duty; but faithful Federal enforcement officials, and the courageous Attorney General of Illinois, Mr. Brundage, have curbed the law-breakers even with the odds against them.

San Francisco's liquor hosts rebelled, and its wet mayor boasted of the ready flow of liquor during the Democratic National Convention. The rebellious liquor traffic corrupted a number of Federal enforcement officials. The Federal Enforcement Department has taken drastic measures to reorganize the forces and suppress the rebellion at the Golden Gate.

New York, in her liquor delirium, not only defied the law, but became the headquarters of forged permits and bribed Federal inspectors and agents. Practically all of the Federal appointees for the enforcement of prohibition in New York had to be discharged. A new force is now at work, and time will tell whether its members can stand the test of liquor bribes.

Milwaukee naturally takes part in the rum rebellion. A recent Federal Grand Jury in this district took occasion to use its official position to become propagandists for the outlawed liquor interests and applied to Congress to repeal the Law Enforcement Code.

Parts of Pennsylvania, true to the spirit of 1794, are in rebellion against the enforcement of any Federal law prohibiting the liquor traffic. Pennsylvania, New York, Rhode Island, Connecticut, and New Jersey have vied with each other in their liquor lawlessness for years. They represent the black belt of the liquor rebellion. The present outlook, however, for the passage of state enforcement codes in four of these commonwealths is hopeful. With their passage will come the dawn of a new era for law and order.

A band of unscrupulous patent and proprietary medi-

cine manufacturers and venders are joining the rebellion, with the cloak of respectability wrapped about them. A relentless warfare is being carried on against these substitutes for booze.

Public officers who take an oath of office to support the Constitution and enforce laws enacted pursuant thereto, and then make the enforcement of the law a mockery by their indifference and their public utterances, and a farce by inadequate fines, are particeps criminis to the rebellion.

Politicians who use their influence to secure illegal permits to withdraw liquor are guilty of aiding the rebellion.

Those sleek money-grabbers who quietly manage the bootleg and forged permit system, who bribe officers and subsidize press agents to condemn the law, are the chief criminals in the rebellion. They should be singled out for special punishment, and if there is a place on earth willing to receive such traitors they should be deported.

Newspapers and magazines that become propagandists for law-breakers and encourage defiance of law, are aiders and abettors of the insurrection. There is a place always in this nation for those opposed to any law who are ready to use legal methods to repeal it, but there is no place under the Stars and Stripes for those who defy the law and encourage anarchy.

Mr. William Jennings Bryan has paid his compliments to those so-called American citizens who go to Cuba, Bimini, the Bahamas, and other foreign territory, and use it as a base for defying the laws of their country, in this characteristic language:

> Statistics show that British territory on the north and just off the east coast of the United States is being used as a base for the wholesale smuggling of intoxicating liquors in this country. There is no more excuse for the use of the adjacent territory for conspiracies against the Prohibition law—a law carrying out the Constitution and sustained by the Supreme Court—than for the use of such territory for conspiracies against any other law of the land. Piracy would

not be given protection under the British flag. Why should smuggling?

The easiest way to punish such citizens is to withdraw citizenship from them when they leave the country for the purpose of violating their country's laws. If they violate the laws while in this country they can be punished as criminals. Why should they receive the protection of their government while conspiring against their country's statutes? If they leave for that purpose, or while away become lawbreakers, their return should be barred as we bar the entrance of any other criminal.

No government can live if it permits a rebellion to continue within its borders. A rum rebellion is as bad or worse than any other rebellion. Those who participate in it not only menace the fundamental principles of government, but they fight for a cause which debauches and demoralizes the citizenship of the Republic. Any citizen or group of citizen, or public officials who defy the law must be regarded as public enemies. No one in a democracy has any excuse for rebelling against the law because it interferes with his personal habits. In a monarchy those who defy the laws, even though they have no part in making them, are summarily dealt with. In a democracy, where every citizen has his chance to help frame the laws by majority rule, and can work for their repeal if so inclined, the obligation of loyalty and obedience to law is infinitely greater even than in a monarchy.

Rebellions must be suppressed—by force if necessary. Force, however, will not be necessary in order to suppress the rum rebellion because an increasing number of those who oppose prohibition agree that it should be enforced until it is repealed in an orderly manner. But the drys are confident that each year of enforced prohibition will prove its benefits to the people so that the opposition will gradually die out.

It is to be hoped that the government will not only continue and increase its activity to enforce the law, but also give its encouragement to a great patriotic campaign to create a larger respect for law. Obedience to law needs more emphasis at this time. This is a legitimate

governmental function. Unless law is respected and enforced the government itself must fail. All of our personal and property rights are dependent upon the honest enforcement of law. Lincoln well said: "To violate the law is to tear the charter of your own and your children's liberty." Obedience to law is liberty. Violation of law is anarchy. This nation must choose which course it will follow.

RUIN THE BOYS [1]

Certain anti-alcohol people were troubled when they found a peculiar little bottle in the hands of school boys in Ohio. The bottle itself is three inches high and an inch and a quarter across. It has a cork stopper, and the stopper has a bone top to it. A glass tube goes through the stopper, down into the contents of the bottle. A rubber tube stretches up from the top of the stopper. On the end of the tube is a bone mouthpiece through which the liquid in the bottle may be sucked up. The whole combination was packed in a small box which it fitted exactly, and on the box was a card which gave the name and address of the saloon from which it came.

This bottle had passed from hand to hand and from mouth to mouth until the teacher found it. At that time it was half full of whisky. And what was the object of the bottle and its whisky? The following bit of history answers the question.

Several years ago the State Liquor Dealers of Ohio were gathered in Wirthwein Hall, Columbus, and one of the speakers had for his subject "How to build up the saloon business." Among others things he said, "The success of our business is dependent largely upon the creation of appetite for drink. Men who drink liquor, like others, will die, and if there is no appetite created, our counters will be empty, as will be our coffers. Our children will go hungry, or we must change our business

[1] By Frances Gulick Jewett. The Next Generation. p. 147-51.

to that of some other more remunerative. The open field for the creation of appetite is among the boys. After men are grown and their habits formed, they rarely ever change in this regard. It will be needful, therefore, that missionary work be done among the boys, and I make the suggestion, gentlemen, that nickels expended in treats to the boys now will return in dollars to your tills after the appetite has been formed."

It was as if the man had said, "My friends, unless we can help ruin the boys by creating in them an appetite for alcohol, we ourselves must go out of business. We must destroy them for the sake of our individual pocket-books."

The man supposed he was talking to liquor dealers alone. He did not know that an anti-alcohol man was in the meeting, and that he was taking down shorthand notes of everything said. From his own point of view the speaking delegate was quite right. Unless boys can be secured,—unless they will consent to damage their own brains,—the liquor business of the world is doomed. Dr. Alexander Lambert shows this in a table of figures which he made out. While in Bellevue Hospital, New York City, he met and examined so many persons ruined by alcohol that he decided to find out how old they were when they began to drink. He received full answers from two hundred and fifty-eight persons. The table itself tells the rest of the story.

AGE WHEN 258 PERSONS BEGAN THE ALCOHOL HABIT

Before the age of 6	4
Between 6 and 12	13
Between 12 and 16	60
Between 16 and 21	102
Between 21 and 30	71
After the age of 30	8

By this table we see that 69 per cent of those who had the alcohol habit, began to acquire it before they were twenty-one years old, and that only eight persons out of two hundred and fifty-eight began to use alcohol after they were thirty; that is, after they were fully mature.

It is evident, then, that if a boy can keep free from the habit during the wonderful years between fourteen and twenty, he has a good chance of escaping altogether. Those who sell alcohol are bright enough to know this. They know that if they wish to continue their own peculiar kind of business, they must make sure of the boys. Their motto, therefore, seems to be "Gather in the boys and ruin them."

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It is as a moral question and a social problem that the author of the above article has discussed these two incidents, the incident of the bottle found in the possession of school boys, and the address at the state convention of liquor dealers. The legal significance of these incidents may be understood if we know that the laws of Ohio have included for many years the following sections. L. T. B.

Section 12958. Whoever, being the keeper or person in charge of a saloon, beer-garden, or other place where intoxicating liquor is sold or offered for sale, knowingly permits a minor under eighteen years of age, not a member of his family, to enter and remain therein except on lawful business or accompanied by his parent or guardian, shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not more than ten days, or both.

Section 12960. Whoever buys intoxicating liquor for, or furnishes it to a minor to be drunk by him, unless given by a physician in the regular line of his practice, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned not less than ten days nor more than thirty days, or both.

Section 12961. Whoever sells intoxicating liquor to a minor, excepting on the written order of his parent, guardian, or family physician, shall be fined not less than twenty-five dollars nor more than one hundred dollars and imprisoned not less than five days nor more than thirty days.

BRIEF EXCERPTS

History bears out the assertion that whenever restriction or prohibition of the liquor traffic is attempted, resistance, either politically or by force, is attempted.

When South Carolina sought a solution of this troublesome problem, and tried to solve it by passage of the Dispensary Law, the inevitable conflict with the whiskey element was expected, nor has the expectation been without fulfilment.—*Governor Benjamin R. Tillman. North American Review. 158: 513. May, 1894.*

Both Senator Harding and Mr. Cox coquetted [in the presidential campaign of 1920] with the subject [of prohibition]; but both of them said that this eighteenth amendment of the constitution would be enforced by them if they were elected. . . . There can be no doubt at all that much of this new courage of the politicians is owing to the fact that the great centres of political corruption, the public-houses or saloons, had disappeared from the scene.—*Sir Arthur Newsholme. British Journal of Inebriety. 19:98. January, 1922.*

The recent experience of Chicago with Sunday closing is a striking example of unenforced state liquor legislation. The spectacle of one jury after another refusing to convict in the face of the plainest evidence is not attractive. A high regard for the sanctity of law is especially necessary if life under urban conditions is to be tolerable. The present [1909] state of much of our liquor legislation is productive of anything but a law-abiding spirit.—*Augustus R. Hatton. Western Reserve University Bulletin. 12: 114-15. November, 1909.*

In 1914 the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church made an investigation to find out just how many more had paid the federal license to sell liquors than had paid state licenses in wet states. There was an excess of 3,204 in Michigan, 2,105 in Rhode Island, 6,064 in Ohio, 11,150 in New York state, and 10,046 in Illinois. Practically every one of the people were doing a bootleg or blind-pig business. In every case they had no right to operate

without a state license. In Pennsylvania at that time it is estimated that there were 30,000 blind-pigs.—*Wilson and Pickett. The Case for Prohibition. p. 85-6.*

The brewers and saloons have for years selected the members of the Legislature, not only in Fort Wayne, but in all the cities of the state. Men are selected who can be relied upon by liquor and who also can be relied upon to obey the party and the boss, and rarely have the brewers selected the wrong man. . . . After years of sincere effort towards constructive reforms in government, and particularly large city government, I have become firmly convinced that the American saloon is a political evil which we can no longer tolerate. I know that it lies at the base of all our political turpitude. It cannot be regulated; it must be destroyed.—*Theodore F. Thieme. Liquor and Public Utilities in Indiana Politics. May 19, 1915.*

The liquor traffic has always been lawless and it seems to be the "nature of the beast." A few years ago Chicago had 7,151 saloons, each paying $1,000 yearly license. At the same time an investigation showed that there were some 2,500 disorderly houses, drug stores, and other dives where liquors were sold without license. The chief of police with the approval of the mayor notified 1,800 of these places that they must pay license. The licensed saloons were all lawless: they ignored the Sunday closing law, and the prohibition [by law] of the sale of liquor to drunkards and minors, and kept their back doors open [for business in violation of the law] on election day and holidays.—*Duncan C. Milner. New Republic. 32:199. October 18, 1922.*

A sketch of the dispensary, even a brief one, would not be complete without mention of Vincent Chicco, the king of the "blind tigers." . . . Chicco breaks the law every day. He knows it. The people of Charleston

know it. Chicco breaks the law with the consent of the police authorities of the city. If the city police should be present when the state constables come down upon Chicco, they would not only not render them assistance, but would probably be glad to see them defied. Such is the condition all through South Carolina. . . . With the present scandalous system, entailing political appointments distasteful to all self-respecting people of the state and creating a contempt for all laws, South Carolina will continue to be one of the lawless states.—*Freeman Tilden. World Today. 11: 743. July, 1906.*

We have been slow as a people to realize that the man who drinks is a source of corruption in our political life, but at last we are fully awake to the fact that the saloon that caters to his tastes is a sinister power in politics. It provides him a social and political club house. The city and county committees of his political party meet in its back parlor. Candidates for office are nominated in its barroom. . . . No one denies that the Liquor Dealers' Association controls, or did control, legislation in several of our states, and it has been often asserted and not infrequently believed that Congress has done the bidding of the Whisky Ring. Public opinion has become convinced that the saloon and its supporters are a corrupting force in our political and social life and for that reason alone, laying aside all other arguments, the manufacture and sale of intoxicating liquor must be forbidden throughout the United States.—*Imogen B. Oakley. Annals of the American Academy. 109: 166-7. September, 1923.*

Considering the experience we have had for years in Ohio, I am of the opinion that we will never again have a fair square election in the state of Ohio until we put the liquor interest, as an interest, out of politics, and I am convinced we can only put it out of politics by putting it out of business. For years no political party has

been able, nor will any political party ever again be able to go before the people on important issues involving fundamental principles of government, the perpetuation of the traditions of party and country, upon which perchance the destiny of the state, the nation, the rights of citizens and even the liberty of men may depend, with the liquor in that business, as it has been with those interested in that business, as a class, insisting upon its right to control. The experience of the last campaign more particularly, however, than any of the many, many others convinces me that this situation is intolerable.—*Honorable H. M. Daugherty. Columbus, O. Pamphlet No. 1, p. 3. November 29, 1916.*

Earlier than slavery and most persistent of all issues attacking the right of the majority to determine the social policy of the Government were the liquor problems. Disguised under various forms of camouflage, posing as advocates of personal liberty, resisters to unjust taxation, supporters of vested and traditional rights, those who profit by the degradation of their fellow-men have broken the law and assailed the law-making power since the nation was founded. The first great rebellion of the rum interests occurred in Western Pennsylvania in 1794, when 7,000 armed and provisioned men, after two years of violence, murders and riots, marched upon the city of Pittsburgh. They were dispersed before reaching Fort Pitt. The rebellion rapidly developed until all law was disregarded. The insurgents were believed to number 16,000 men. The United States judge for the district appealed to President Washington, who in person traveled to Pennsylvania, put himself at the head of troops from New Jersey, Maryland, Virginia and Pennsylvania, organized them and then placed General Harry Lee in command. . . . From that time until the present the attitude of the liquor interests has been against any laws that restricted or limited the liquor trade.—*Wayne B. Wheeler. Current History. 18:7. August, 1923.*

When we looked into the saloon question before, the criticism was made that we only examined the down town barrooms. So we covered a wide territory this time. We visited 1,630 saloons a week ago today. (Sunday, December 10, 1911). . . . Out of 345 saloons visited in the heart of Cleveland we found only two closed. . . . In the outlying districts our men found 95 per cent of the barrooms doing a humming business (in violation of the state law). . . . Out of 1,630 saloons visited by the investigators, 1,534 were found to be wide open and doing a thriving trade (in violation of the state law). . . . Out of the 96 saloons found closed, fifty-four were seen between two and three o'clock in the afternoon when business is dull. If these fifty-four had been visited after five o'clock in the afternoon, doubtless we would have had almost a unanimous report. . . . We were surprised to find many young girls in these bar rooms on the sabbath evening (in violation of the state law). . . . Throughout the city saloon cash registers were clicking lustily and music (in violation of a city ordinance) was going at full blast in not a few places. . . . Children were lugging out filled bottles, probably to take home to their parents. . . . And one thing was very noticeable to our investigators. The police were conspicuous by their absence from the saloon neighborhoods. . . . In most of the places there were from three to fifty customers.—*Rev. Dr. H. W. Pilot, Chairman of the Baptist Vice Committee, in a report to the Baptist Brotherhood of Cleveland. Cleveland Plain Dealer. December 18, 1911.*

Determination to carry on their warfare against Sunday saloons, and a resolve to make officials enforce the Sunday closing law, was manifest last night at the annual banquet of the Baptist Brotherhood. . . . The report covered the work of the brotherhood for fifteen months. . . . "Mayor Newton D. Baker informed us," says the report in quoting the chief executive, that

"I will ask you not to send me communications as the Baptist Brotherhood—I don't care how many of you cooperate—because it seems to me that the Baptist Brotherhood hasn't any more right, as a Baptist Brotherhood, to suggest measures for the city government, than the city government would have to suggest measures for the regulation of the Baptist Brotherhood." . . . We called on Fred Kohler (Chief of Police) and gave him a copy of affidavits and statements which he threw in the waste basket. We asked the chief why he did not close the saloons on Sunday, to which he gave no direct answer. During the first hour of this interview Chief Kohler was very abusive and refused to give any respectful consideration to our request. Later he indicated to us his views on the subject, saying, 'the laws are like drugs and should be kept on the shelves, just as a doctor keeps drugs, to be used only when necessary.'" . . . In the five cases tried before Mayor J. R. McQuigg of East Cleveland, the report says, the higher court sustained the ruling of the Mayor's court as to the guilt of the offenders and the fines were upheld.—*Cleveland Plain Dealer. February 19, 1913.*

IV. SOCIAL RESULTS OF ALCOHOL AS A BEVERAGE

THE MONARCH OF ALL HUMAN VICES[1]

Drunkenness is the monarch of all human vices. Other evils are its mere satellites. It permeates and poisons and rots every department of life and every avenue and faculty of the human body. Once in a distant age intoxicating liquor was the supposed instrument of fellowship and good cheer. It is now the debased and adulterated instrument for the exploitation for profit and the promotion of personal vices. It has grown to astounding proportions. The longer it continues, the greater its evil and the more potent its strength. It has entrenched itself with human avarice and become its ally to exploit the pitiable weakness of humanity to accumulate fortunes The men who have made it their instrument of pecuniary gain have assumed to control political parties, to threaten candidates, to decide elections, to administer civil government, to make new laws, to promote profitable evils and contemptuously to break existing laws they cannot repeal.

The liquor interests have written their own indictment, and accumulated the evidence justifying their own extinction. The breweries have been asked for years to cease to promote the disreputable and irresponsible saloon keeper. They have been asked to clean up the vicious resorts that have been a bane and a menace to decent communities. Their reply was a sneer and the statement that it was the brewer's business to make and sell beer. Whisky has been denounced as a dangerous beverage and restraints demanded for more than half a century.

[1] By Senator Lawrence Y. Sherman. Congressional Record. 55: 5645-6. August 1, 1917.

The answer has been opposition or abuse of those who would regulate as well as those who would prohibit. All who have asked that present laws be obeyed have been stigmatized as fanatics, and fresh infractions of regulatory laws have followed every effort for their enforcement. Wine growers have been advised of the evils gathering about their heads. They, too, have been deaf to the developing hostilities of this generation to intoxicating liquor. If they are caught in the whirlpool of an aroused and righteous indignation, they will but suffer the penalty resulting from their indifference or open sympathy with the more culpable of their kind. A business whose system is lawlessness and whose finished product is a drunkard ought to have no lawful abiding place in this republic. It is an outlaw measured by its practices, and a criminal tested by its results. A business that will not be regulated by law must at last be destroyed by law. The traffic in intoxicating liquor has refused to be regulated, and therefore earned the penalty of legislative extinction. Its promises of reformation are to be weighed in the light of its past performances. The breweries' efforts to reform the saloon keeper are to be measured by their creation of his disreputable kind.

THE SUM OF ALL VILLAINIES[1]

I am aware that there is a prejudice against any man who manufactures alcohol. I believe that from the time it issues from the coiled and poisonous worms in the distillery until it empties into the jaws of death, dishonor and crime, it demoralizes everybody that touches it, from its source to where it ends. I do not believe anybody can contemplate the object without being prejudiced against the liquor crime.

All we have to do is to think of the wrecks on either bank of the stream of death, of the suicides, of the in-

[1] By Robert G. Ingersoll. Commoner. 13: 13. July 11, 1913.

sanity, of the ignorance, of the destitution, of the little children tugging at the faded and withered breast of weeping and despairing mothers, of wives asking for bread, of the men of genius it has wrecked, the men struggling with imaginary serpents, produced by this devilish thing; and when you think of the jails, of the almshouses, of the asylums, of the prisons, of the scaffolds upon either bank, I do not wonder that every thoughtful man is prejudiced against this damned stuff called alcohol. Intemperance cuts down youth in its vigor, manhood in its strength, old age in its weakness. It breaks a father's heart, bereaves the doting mother, extinguishes natural affection, erases conjugal love, blots out filial attachment, blights parental hopes, brings down mourning age in sorrow to the grave. It produces weakness, not life. It makes wives widows; children orphans; fathers fiends, and all of them paupers and beggars. It feeds rheumatism, invites cholera, imports pestilence and embraces consumption. It covers the land with idleness, misery, crime. It fills your jails, supplies your almshouses and demands your asylums. It engenders controversies, fosters quarrels and cherishes riots.

It crowds your penitentiaries and furnishes victims for your scaffold. It is the life blood of the gambler, the element of the burglar, the prop of the highwayman and support of the midnight incendiary. It countenances the liar, respects the thief, esteems the blasphemer. It violates obligation, reverences fraud and honors infamy. It defames benevolence, hates love, scorns virtue and slanders innocence. It incites the father to butcher his helpless offspring, helps the husband to massacre his wife and the child to grind the patricidal ax. It burns up men, consumes women, detests life, curses God, despises heaven. It suborns witnesses, nurses perjury, defiles the jury box and stains judicial ermine. It degrades the citizen, debases the legislator, dishonors the statesman and disarms the patriot. It brings shame, not honor;

misery, not safety; despair, not hope; misery, not happiness, and with the malevolence of a fiend it calmly surveys its frightful desolation and unsatiated havoc. It poisons felicity, kills peace, ruins morals, blights confidence, slays reputations, and wipes out national honor, then curses the world and laughs at its ruin. It does all that and more. It murders the soul. It is the sum of all villainies, the father of all crimes, the mother of all abominations, the devil's best friend and God's worst enemy.

THE GREAT DESTROYER[1]

Alcohol in History

History is a record of a sad procession of world tragedies. Nations and empires in turn have risen to greatness only to fall. Before the deathblow was struck from without the evidence shows in every case the ravages of a titanic destroyer within, under whose operations the vitality and strength of the nation were submerged in a general degeneracy.

For centuries the world's philosophers and historians have looked on appalled, overwhelmed. Only in the last few years has science taken up the question. Following her patient, rigid methods, under which nature and life have slowly yielded up their secrets, science has at last cleared up the mystery and identified the Great Destroyer as alcoholic poisoning.

The Discovery

The discovery, like most great discoveries, came about almost by accident. During the Boer War it was found that the average Englishman did not measure up to the standards of recruiting and the average soldier in

[1] By Captain Richmond P. Hobson. Congressional Record. 46: 1867-73. February 2, 1911.

the field manifested a low plane of vitality and endurance. Parliament, alarmed by the disastrous consequences, instituted an investigation. The commission appointed brought in a finding that alcoholic poisoning was the great cause of the national degeneracy. The investigations of the commission have been supplanted by investigations of scientific bodies and individual scientists, all arriving at the same conclusion. As a consequence, the British government has placarded the streets of a hundred cities with billboards setting forth the destructive and degenerating nature of alcohol and appealing to the people in the name of the nation to desist from drinking alcoholic beverage. Under efforts directed by the government the British Army is fast becoming an army of total abstainers.

In the summer of 1909 an international conference on alcoholism was held in London, to which most of the great nations sent scientific men or delegates. Comparing the results of investigation made in all parts of the world, finding that these results agreed, representive medical leaders of the conference drew up a report in the form of a statement defining the nature of alcohol as follows:

The Nature of Alcohol

Exact laboratory, clinical and pathological research has demonstrated that alcohol is a dehydrating, protoplasmic poison, and its use as a beverage is destructive and degenerating to the human organism. Its effects upon the cells and tissues of the body are depressive, narcotic, and anæsthetic. Therefore, therapeutically, its use should be limited and restricted in the same way as the use of other poisonous drugs.

It is to be noted that the investigation has been conclusive. The question has passed beyond the experimental stage, beyond the stage of theory, and is a demonstration that is final, like the demonstration that the world is round and not flat.

Alcohol a Poison

The last word of science, after exact research in all the domains, is that alcohol is a poison. It has been found to be a hydrocarbon of the formula C_2H_6O, that is produced by the process of fermentation, and is the toxin, or liquid excretion or waste product, of the yeast or ferment germ. According to the universal law of biology that the toxin of one form of life is a poison to all forms of life of a higher order, alcohol, the toxin of the low yeast germ, is a protoplasmic poison to all life, whether plant, animal, or man, and to all the living tissues and organs.

The alcohol toxin not only has a poisoning effect of its own in every case, but in addition, through lowered vitality, the organs and tissues are opened to attack from other sources.

Alcohol the Cause of Disease

The results can be illustrated by taking the effect of alcohol on the white blood corpuscles, the wonderful standing army of the system, whose organized hosts, millions strong, attack and destroy the hordes of disease germs of all kinds that are constantly entering the system through the air we breathe, the food and drink, and through abrasions of the skin. These disease germs, seeking a lodgment, germs of tuberculosis usually in the lungs, germs of typhoid in the intestines, each kind in its favorite organs or tissues, are constantly under assault from the armies of the corpuscles. If the latter win from the outset the germs are thrown off. If the germs win at first they get a lodgment and multiply, and the person contracts the diseases. If by repeated assaults the corpuscles finally win, the patient recovers. If the multiplying hordes of germs win, the patient dies. Nearly all the diseases of mankind and nearly all the deaths hang upon the vitality and vigor of the white blood corpuscles.

One Drink Makes the White Blood Corpuscles Drunk

Under the microscope it was found that even a moderate drink of alcoholic beverage passing quickly into the blood paralyzes the white blood corpuscles. They behave like drunken men. In pursuit they cannot catch the disease germs. In conflict they cannot hold the disease germs for devouring, and they cannot operate in great phalanxes, as they do when sober, against such powerful germs as those of consumption.

Every time a man takes a drink of alcoholic beverage he lays himself open for a time to contracting diseases. Every time a man takes a drink he puts his life in peril. No wonder the mortality statistics show, as they do, that a total abstainer has nearly twice the security and hold on life that the average drinker has and about three times the hold of heavy drinkers and those engaged in the liquor traffic.

If the drinks are repeated, the microscope shows that the fighting powers of the white blood corpuscles are permanently impaired, even when they are not actually drunk. This accounts for the lowered vitality of regular drinkers, even though temperate.

After long-continued drinking, even though temperate, the microscope shows that the white blood corpuscles, with the serum which contains their vegetable food continually sucked up by the dehydrating toxin, become carniverous, and begin to feed upon the tissues and organs like disease germs. The favorite tissue food of the degenerate corpuscles are the tender cells of latest development. In the human being the latest development is the brain. The microscope shows the degenerate corpuscles, with the goods upon them, down in their bodies the gray matter of the brain. This accounts for the tremendous mortality among heavy drinkers and for the degeneracy that will be referred to later.

The Great Destroyer

It is difficult to say in any particular case whether having alcohol in the system caused a patient to take a disease or caused a patient to die, and "alcoholism" attributed to men who die in delirium tremens is the only record of death ordinarily kept against alcohol. But the British government, in conjunction with English life insurance companies, from the records of millions of cases, has been able to determine the death rate of total abstainers and of those who drink.

Statistics compiled by insurance companies show that the death rate for the population at large is one thousand deaths per year out of every 61,215 of the population, and that the death rate of total abstainers is five hundred sixty per year out of the same number, and for liquor dealers sixteen hundred forty-two deaths per year out of the same number. These figures, resulting from many millions of cases, can be taken as accurate. They show that four hundred forty deaths out of every one thousand deaths, nearly one-half of the deaths that occur, are due to alcohol. Applied to this country, over six hundred eighty thousand deaths per year in continental United States, or over seven hundred twenty-five thousand per year in the United States and its possessions. In other words, alcohol is killing our people at the rate of nearly two thousand men a day every day in the year.

Alcohol Ten Thousand Times More Destructive Than War

The Army War College at Washington made an investigation of the destructiveness of war. Taking all the wars of the world, from the Russo-Japanese War back to 500 B.C., the War College found that the total number of killed and wounded in battle amounts to about two million, eight hundred thousand of which it is esti-

mated that about seven hundred thousand were killed and something over two million wounded.

The comparative figures show the appalling fact that alcohol is killing off as many Americans every year as all the wars of the world have killed in battle in twenty-three hundred years.

Applied to the whole white race, we find that alcohol is killing three million, five hundred thousand white men every year, five times as many as have been killed in war in twenty-three hundred years; so that, stated mathematically, alcohol is ten thousand times more destructive than all wars combined. No wonder the governments investigating the subject have found that war has been only a secondary cause of national decline, and that alcohol has been the real destroyer that has overthrown all the great nations of the past and is now undermining the great nations of today.

Alcohol's Wounded Today Are More Than One Hundred Million White Men

The figures of the British government and English life insurance companies as to the effect of drinking on longevity are stated as follows:

If a young man at the age of twenty is a total abstainer and remains a total abstainer, his prospect of life is forty-four years and he will live to the average age of sixty-four, but if he is a temperate regular drinker his prospect of life will be thirty-one years and he will live to the average age of fifty-one, after losing thirteen years out of his life. If he is a heavy drinker, his prospect of life is fifteen years and he will die at the average age of thirty-five, after losing twenty-nine years out of his life. Conservative estimates place the number of confirmed drunkards in the United States at something over one million, of whom three hundred thousand die every year; the heavy drinker at over four million; and temperate regular drinkers at over twenty million. A

soldier wounded in battle and losing ten years of his life as a consequence would be classed as seriously wounded. The confirmed drunkards and heavy drinkers together, five million in number, must be looked upon as mortally wounded and the temperate regular drinkers as seriously wounded, making a total of over twenty-five million Americans wounded by alcohol today, more than ten times as many as were wounded in all the battles of the world since the dawn of history. The estimates for the white race make over one hundred and twenty-five million white men today wounded by alcohol.

If a great military power were to declare war on unprepared America today every patriotic heart would be filled with anxiety. I know the full significance of war, especially when a nation is unprepared. But if I had the choice of having alcohol continue its deadly ravages with the nation at peace or of having it wiped off the face of the land with a declaration of war by all the nations of the earth, I would not hesitate for a moment; I would take sober, undegenerate America and face the combined world in arms.

Alcohol Degenerates

The full ravages of alcohol are not measured even by the appalling list of killed and wounded. War kills and wounds; alcohol kills and wounds ten thousand times more than all war combined, and in addition it degenerates. Its toxin attacks with special virility the young, tender cells associated with evolution. A plant or vegetable or fruit steadily evolving some color or form under the process of cultivation when watered with water to which a small quantity of alcohol is added will quickly cease to evolve and will lose the color and form and revert backward toward the condition when it grew wild. If a young domestic animal is brought up on a fare to which a small ration of alcohol is added by the time it

is grown it will lose those qualities acquired in domesticity.

The Curse of the Red Man and Black Man

If a peaceable red man is subjected to the regular use of alcoholic beverage, he will speedily be put back on the plane of the savage. The government long since recognized this and absolutely prohibits the introduction of alcoholic beverage into an Indian reservation. If a negro takes up a regular use of alcoholic beverage, in a short time he will degenerate to the level of a cannibal.

Conquers the Noblest White Men

No matter how high the stage of evolution, the result is the same. A white man with great self-control, considerate, tender-hearted, who would not willingly harm an insect, will be degenerated by regular use of alcoholic beverage to the point where he will strike with a dagger or fire a shot to kill with little or no provocation.

The Overshadowing Cause of Crime, Pauperism, and Insanity

Though at first a tender, loving husband and parent, he will degenerate to the point where he will be cruel to his own flesh and blood. It is conservatively estimated that 95 per cent of all the acts and crimes of violence committed in civilized communities are the direct result of men being put down by alcohol toward a plane of savagery. The degenerating process strikes at the integrity of the reason and is the chief cause of idiocy and insanity. It wipes out self-control, self-respect, the sense of honor, the moral sense, and produces the bulk of tramps, paupers, vagabonds.

Defies Nature and Nature's God

In every living thing there is the evolutionary impulse to rise and progress. In the human family man is not changing much in his physical nature, but is evolving chiefly in his nervous system, building up those delicate centers of the brain upon whose activities rests the moral sense. Nature is trying to produce men of high character, a race of true, noble men. Alcoholic beverages even in moderation reverse the processes of nature and set back the purposes of creation.

Brings Nature's Curse—Blights Progeny

Nature is pitiless when her processes are reversed. She abhors degeneracy and will not tolerate its perpetuation. With parents properly mated and undegenerated the offspring will multiply and be higher and nobler in each succeeding generation. But woe to the offspring if the parents degenerate themselves. Nature will blast the progeny and everything associated with its production.

Blights the Fruiting of Plants and the Offspring of Animals

Upon a fruit tree watered with alcohol mixed with the water the fruit will fall untimely. With animals the law is the same. Scientists selected from a litter of spaniels two little brothers exactly alike in infancy and brought them up, one as an alcoholic and the other as a total abstainer, giving the former only a small quantity of alcohol with his food, about equivalent in proportion to what benighted parents often give their children in beer or light wine mixed with water. From another litter of spaniels they selected two little sisters exactly alike in infancy, and brought them up in the same way, one as an alcoholic, the other as a total abstainer. When the four dogs were grown they were mated, the two alcoholics

together, and the two total abstainers together, and the process was repeated. The two mothers and the offspring were placed under close scientific observation Extraordinary phenomena set in with the alcoholic mother. She experienced difficulties and accidents, suffered great travail in birth and finally died in pupbirth with the fifth litter, a phenomena unknown before. Many of her offspring were born dead. Many of them died in infancy, and of those that survived only 17.3 per cent were normal.

The little abstaining mother had no such experience, she bore large litters of healthy, strong pups, of which 90.5 were absolutely normal.

Blights the Progeny of Man

The same inexorable law holds for man as for animals and plants. A scientist having investigated more than eight hundred cases, announces that of children born to alcoholic parents, one of every five will be hopelessly insane, one out of three will be hysterical or epileptic. More than two-thirds will be degenerate. Another scientist located ten large families in which both parents were alcoholic, and in the same localities, with other conditions practically the same, ten large families in which both parents were total abstainers. Of the fifty-seven children of the alcoholic parents, ten were deformed, six were epileptic, six were idiotic, twenty-five were nonviable, only 17 per cent were normal, 83 per cent being abnormal. Of the sixty-one children of the total abstaining parents, 10.5 per cent only were abnormal, and these chiefly backward, while 89.5 per cent were absolutely normal. Seventeen per cent were normal in the one case. and 89.5 per cent in the other case, a difference of 72.5 per cent.

Parents by becoming alcoholic will sacrifice three-fourths of their children on the altar of drink.

Alcohol the Curse of the Perils of Childbirth and the Danger of Race Suicide

Another scientist after wide investigation has found that in only 1 per cent of cases do accidents occur in maternity to mothers where the parents are total abstainers, while 5.25 per cent occur where the parents are regular temperate drinkers, and 7.32 per cent where the parents are heavy drinkers. In the case of total abstaining parents the deaths in infancy among their children will be 13 per cent; in the case of temperate regular drinkers 23 per cent, and heavy drinkers 32 per cent. Of the children of drinkers 10 per cent will have consumption, of the children of total abstainers, only 1.8. Those who drink alcoholic beverage should realize the terrible price they pay. For even temperate regular drinking, they increase over 400 per cent the chances of accidents in maternity. They nearly double the chances of their children dying in infancy, and they undermine the health and normality of those that survive. A man may take chances with himself, but if he has a spark of nobility in his soul, he will take care how he tampers with a deadly poison that will cause the helpless little children that he brings into the world to be deformed, idiotic, epileptic, insane.

The Only Rational Life

In the light of the truth that every drink endangers health, the terrible truth that alcohol destroys and degenerates, and that it blights progeny, there can be from the standpoint of the individual but one rational course of life with regard to this deadly poison, and that is a life of absolute, total abstinence.

The standpoint of the individual is not the only standpoint from which this great destroyer must be examined. His blight is as deadly for society as it is for the individual. We must examine him from the standpoint of the state.

Destroys Over Half the Nation's Wealth

From conclusions drawn from scientific tests referred to above, it is conservative to estimate that the heavy drinkers and confirmed drunkards in the United States have their productive efficiency lowered at least 75 per cent; that the temperate, regular drinkers, who drink alcoholic beverages every day of their lives, suffer a loss of productive efficiency of fully 50 per cent; that the occasional drinkers suffer a loss of fully 10 per cent. This is what Dr. Aschaffenberg proved by his famous test of four German typesetters—drinking men—who averaged a tenth more work when they drank nothing for a day than when they drank even one ounce of alcohol at home in pure wine or beer (the equivalent of over 5 per cent loss to the nation). The wide use of alcoholic beverage I estimate as causing a loss of fully 21 per cent in the efficiency of the nation's producers. The production of wealth is at a rate of about $32,000,000,000 yearly; the loss due to lowered efficiency, conservatively estimated in round figures, is therefore fully $8,500,000,000.

Economic Loss of Those Who Are Killed

It is estimated that each one of the 700,000 men cut off untimely every year by alcohol would have, sober, an economic value of $8,000, making a loss of $5,600,000,000. The nation last year on account of the lowered efficiency of its producers and the death list was over $14,000,000,000 short in its productiveness. Instead of producing only $32,000,000,000 of wealth, we would have produced without alcohol over $46,000,000,000.

The Burden of Crime, Pauperism, and Insanity

It is estimated that the cost of providing for the added crime, pauperism, idiocy, and insanity produced by alcohol in the United States paid for by direct taxation exceeds $2,000,000,000 per annum.

The Total Liquor Bill

The people of the United States last year consumed more than two and one-half billion gallons of alcoholic beverage, paying for same nearly $2,000,000,000, making a total loss of above $16,000,000,000.

Alcohol Disinherits the Nation

Summing up the economic losses from the lowered efficiency of our producers, from the death list, from the costs of crime, pauperism, and insanity, and from the liquor bill, the total economic burden laid upon the nation by King Alcohol is between sixteen and seventeen billions of dollars, more than half of all the wealth produced by the nation. If our national government in a year appropriates $1,000,000,000, though for purposes of uplift, it is criticized for the burdens laid upon the people. Here in alcohol we have a ruler that puts upon us a burden of $16,500,000,000 for purposes of destruction and degeneracy.

It is not difficult to see the duty of the state. If a foreign invader landed on our shores and disinherited the people of a single country, the nation would be up in arms. Here is a foe that has come upon us and is taxing us for more than the values of all the products of all our farms, all our forests, all our mines, all our fisheries; equivalent to taking from our people all that mother earth produces on land and water combined. What shall be the attitude of the state in face of a foe that has disinherited the whole nation? Clearly the state has not only the clear right but the bounden duty to take up arms and expel the foe.

Alcohol is Destroying the Character of the Nation

But even this terrific economic loss is but a small part of the ravages of this destroyer. As seen above,

alcohol attacks the line of evolution more than any other line. In the case of man the line of evolution is in moral advancement—what in any individual may be termed character. Therefore the loss of character must be far greater than the economic loss. We found the economic loss to be fully 21 per cent. If character could be measured by percentage, we would have to estimate the loss in average character of the nation as fully 50 per cent.

Looking upon a nation as climbing a ladder of evolution, alcohol, like a millstone, drags it halfway to the bottom. The full significance of this drag appears when we realize that upon the average standard of character of its citizens must rest the institutions of a nation. It has become an axiom of history that if the average standard of character is below a certain minimum level, a nation cannot enjoy self-government.

Liberty is at Stake

In our great cities like New York, Chicago, Philadelphia, the ravages upon the average character have been so great, so many degenerates have already been produced, that the degenerate and corruptible vote not only holds the balance of power between the two great political parties and can dictate to both, but actually holds a majority of the votes, so that honest and efficient self-government as a permanent condition is now impossible. As young as our nation is, the deadly work of alcohol has already blighted liberty in our greatest cities.

At the present rate of the growth of cities over country life, if no check is put upon the spread of alcoholic degeneracy, the day cannot be far distant when liberty in great states must go under. It will then be but a question of time when the average standard of character of the nation's electorate will fall below that inexorable minimum and liberty will take her flight from America, as she did from Greece and Rome.

The overthrow of liberty in America would be a sad event for the world. If free institutions cannot stem the flood of alcoholic degeneracy in this land, there is little hope for other lands; if the average standard of character sinks too low for liberty here, if in the face of alcohol liberty cannot be preserved in America, it cannot anywhere else. If King Alcohol continues his triumphant march, crushing the character of our citizens, he will make a short cut to blighting the liberties of mankind.

The state has a right and a duty to protect its free institutions. One of the main objects for which a state exists is to promote the development of character of its people. In the premises, therefore, it has not only the right but the bounden duty to put an end to the ravages of this destroyer.

The Saloon is an Assassin

Last year, on an average, each saloon in the United States was the cause of the death of three men. This year each saloon, on the average, will kill three men. Each saloon in the United States, on an average, now has twenty men made heavy drinkers or drunkards, who are mortally wounded. Each saloon, on an average, has one hundred men made regular drinkers, who are seriously wounded.

Speaking for myself, I feel no bitterness against those engaged in the liquor traffic. They are in business by the consent of the government, which shares the spoils. The government belongs to all the people. The blame for the business is to be laid at the doors of all the people who have not done their utmost to destroy it.

In the full light of the facts, I cannot look upon any saloon otherwise than as an assassin, the most barbarous, atrocious of assassins. It is vain to plead that the men who drink are responsible for the slaughter. They drink because the drug is kept in their presence. No amount of suffering will cause them to stop, or will warn others

away. Meat with strychnine placed along the street will kill the dogs. No terrible examples will have any effect. The fact of the poisoned meat being placed on the street is the cause of the destruction. When this remarkable, seductive poison of alcohol is placed along the streets in saloons, men will take it. The fact of its being on the street is the real cause of its being taken. Irrespective of the question of the responsibility for its existence, the saloon is fundamentally an assassin.

The first duty assumed by any government is the protection of the lives of its citizens. To any civilized government the life of its citizens is sacred. It is incredible that the governments of the world should continue in league with assassins. When the true nature of alcohol becomes better understood, no community will longer tolerate these assassins, who take their stand on the corners and up and down the squares of our cities. In the premises the state has not only the right but the bounden duty to put an end to this wholesale assassination.

The Nation's Life Itself at Stake

The menace of this destroyer extends yet further, to the very life of the nation itself. In the rural life of the country, the people do not have the poison continually in their path, so in spite of unusual hardship the great law of evolution and progress causes numbers to increase and each generation to be higher than the previous. Thus it is that the great empires and enduring civilizations of history were all built upon rural life. A time comes, however, in the life of each nation when its citizens, having accumulated wealth, gather into cities to enjoy it. There the great destroyer does his deadly work.

Prevents Developing a Thoroughbred Race of Men

With seductive mockery, the poison stands on the tables of the rich, of the families of high degree. Degeneracy sets in forthwith. In all lands the great families

rise only to sink back again. The royal and noble families of the Old World, the great families of America, might have gone on and produced a race of thoroughbreds. But, alas! they count among them the most degenerate of all. It is not difficult to produce a thoroughbred race of corn. We can develop a thoroughbred race of horses or of dogs, but we cannot produce a thoroughbred race of men. The great destroyer strikes the families down as fast as they rise.

The Rise and Fall of Nations and Empires

The ravages, however, are not confined to families of high degree. The bars of the saloons keep the poison in the presence of families of middle and lower degree. The whole population of the cities is stricken. Those who have moved from the country to the city begin to degenerate themselves, and their degeneracy is visited upon the offspring. In a few generations the community is flooded with degenerates and abnormals. Thus far, whenever city life has come to predominate, the nation has been doomed. Resting upon degenerates, its institutions have been blighted and sooner or later in the struggle for survival, when struck by a foreign foe, it has fallen never to rise again. This is the sad history of Babylon, Nineveh, Tyre, Greece, Rome, Gaul. Rome made the deepest imprint on history because it was longest rural and frugal, and while undegenerate it conquered the world, and upon the true principles of jurisprudence and justice reared a wonderful system of free institutions. But the Romans in turn gathered into their great city to be blighted, put up its crown at auction, and at last the empire was overthrown by the despised barbarians.

Any form of plant life can be made to rise and develop indefinitely; likewise, any type of animal life; but history records the sad fact that a nation, made up of the

noblest type of all, the creature in the image of his Maker, only rises to fall.

I HATE THE LIQUOR TRAFFIC[1]

Personally I have seen so much of the evils of the traffic in the last four years, so much of its economic waste, so much of its physical ruin, so much of its mental blight, so much of its tears and heartache, that I have come to regard the business as one that must be held and controlled by strong and effective laws. I bear no malice toward those engaged in the business, but I hate the traffic. I hate its every phase. I hate it for its intolerance. I hate it for its arrogance. I hate it for its hypocrisy. I hate it for its cant and craft and false pretenses. I hate it for its commercialism. I hate it for its greed and avarice. I hate it for its sordid love of gain at any price. I hate it for its domination in politics. I hate it for its corrupting influence in civic affairs. I hate it for its incessant effort to debauch the suffrage of the country; for the cowards it makes of public men. I hate it for its utter disregard of law. I hate it for its ruthless trampling of the solemn compacts of state constitutions. I hate it for the load it straps to labor's back; for the palsied hands it gives to toil; for its wounds to genius; for the tragedies of its might-have-beens. I hate it for the human wrecks it has caused. I hate it for the almshouses it peoples; for the prisons it fills; for the insanity it begets; for its countless graves in potters' fields. I hate it for the mental ruin it imposes upon its victims; for its spiritual blight; for its moral degradation. I hate it for the crimes it has committed. I hate it for the homes it has destroyed. I hate it for the hearts it has broken. I hate it for the malice it has planted in the hearts of men—

[1] By Governor J. Frank Hanly. Speech to an Indiana Republican State Convention.

for its poison, for its bitterness—for the dead sea fruit with which it starves their souls. I hate it for the grief it causes womanhood—the scalding tears, the hopes deferred, the strangled aspirations, its burden of want and care. I hate it for its heartless cruelty to the aged, the infirm and the helpless, for the shadow it throws upon the lives of children, for its monstrous injustice to blameless little ones. I hate it as virtue hates vice, as truth hates error, as righteousness hates sin, as justice hates wrong, as liberty hates tyranny, as freedom hates oppression.

BRIEF EXCERPTS

Alcoholism in either of the parents is one of the most fruitful causes of crime in the child.—*Havelock Ellis. The Criminal. p. 97.*

The baleful influence of alcohol is one of the best known and most transparent causes of crime.—*Professor Gustav Aschaffenburg. Crime and Its Repression. p. 69.*

Excessive drinking lies at the root of a very large proportion of moral and physical misery.—*Lady Astor. Journal of State Medicine. 30:118. March, 1922.*

Alcohol plays a relatively unimportant part in the production of certified insanity.—*Dr. Frederick W. Mott in Starling, Ernest H. The Action of Alcohol on Man. p. 212.*

Alcoholism and tuberculosis stand foremost amongst the conditions hampering human progress and limiting man's happiness.—*Dr. T. N. Kelynack. British Journal of Inebriety. 18:85. January, 1921.*

Massachusetts prison statistics show that 96 per cent of all criminals in our prisons in 1912 were intemperate

by habit.—*From the Report of the Commission to Investigate Drunkenness in Massachusetts. January, 1914. p. 10.*

Nothing could show more clearly what gives the immediate impulse to assault and battery than the fact that two-thirds of all fights take place in, or in front of, a public house.—*Professor Gustav Aschaffenburg. Crime and Its Repression. p. 79.*

It is unquestioned that, in most countries, the worst sufferings inflicted upon women, children, and dumb animals are perpetrated under the influence of strong drink, for this is provocative of both cruelty and lust. —*William Tallack. Penological Principles. p. 296.*

Intoxicating drink has been associated with prostitution from the earliest times. Through the pages of social history, alcohol figures as the evil genius of sex life almost from the beginnings of civilization.—*Walter Clarke. Social Hygiene. 3:75. January, 1917.*

A careful scientist has called alcohol the indispensable vehicle of the business transacted by the white slave traders, and has asserted that without its use this trade could not long endure.—*Jane Addams. A New Conscience and an Ancient Evil. p. 188.*

It was a distinguished French physician who said that alcohol prepares the bed for tuberculosis. To this statement British medical experience lends the entirety of its support.—*Sir Thomas Oliver, M.D. British Journal of Inebriety. 18:91. January, 1921.*

Intemperance is a proximate cause of a very large proportion of the crime committed in America. Fully three-fourths of all the prisoners with whom I have personally conversed in different parts of the country

admitted that they were addicted to an excessive use of alcoholic liquors.—*E. C. Wines. State of Prisons. p. 113.*

There are in Chicago a large number of "hang-outs" which are the meeting places of well-known professional criminals. The Committee has found one hundred of these, most of which were saloons and pool rooms.—*Report of the City Council Committee on Crime of the City of Chicago. 1915. p. 10.*

All thinking people are agreed that the abuse of alcohol among civilized nations is directly or indirectly responsible for a large proportion of the crimes of violence, of industrial inefficiency, of poverty and misery. —*Dr. Frederick W. Mott in Starling, Ernest H. The Action of Alcohol on Man. p. 211.*

If I could have my way, I would wipe out every saloon. The saloon is the prolific source of nine-tenths of the misery, wretchedness, and crime, and is, more than we know, responsible for the social evil.—*Rev. Charles H. Parkhurst. New York Voice. January 16, 1896.*

Abundant evidence was given as to the intimate relation between alcohol and venereal diseases. Alcohol renders a man liable to yield to temptations which he might otherwise resist, and aggravates the disease by diminishing the resistance of the individual.—*Final Report of the Royal Commission on Venereal Diseases.*

One of the statements most frequently made is that the great majority of crimes are due to drink. It would be more accurate to say that most prisoners were under the influence of drink at the time they committed the breach of the law for which they have been convicted. The great majority are petty offenders.—*James Devon. The Criminal and the Community. p. 52.*

Alcoholized individuals procreate defective children. These in their turn, if permitted, continue the chain of the pathological condition. One such family is capable of throwing into the community dozens of useless or dangerous individuals, who, if capable of multiplying, will produce their like.—*Dr. Alfred Gordon. Interstate Medical Journal. 23:436. June, 1916.*

We have attributed the abnormal increase of criminality and pauperism in the United States largely to an increase of intemperance. Alcoholic drink is estimated to be the direct or indirect cause of 75 per cent of all the crimes committed, and of at least 50 per cent of all the sufferings endured on account of poverty, in this country and among civilized nations.—*H. M. Boise. Prisoners and Paupers. p. 137.*

It is claimed that in the United States the traffic of intoxicating liquors is, directly or indirectly, responsible for 25 per cent of the poverty, 37 per cent of the pauperism, 45.8 per cent of child misery, 25 per cent of insanity, 19.5 per cent of divorces, and 50 per cent of the crime. These are grave charges, and their truth has not been denied.—*Philip P. Campbell. Congressional Record. 52:496-7. December 22, 1914.*

Many crimes are known to be committed by persons while intoxicated or because they are intoxicated, especially those against the person. But the majority of crimes are offenses against property, which for their success require other habits than those of the confirmed drunkard. Those who prey upon society as gangsters, burglars, pickpockets, and gunmen are far more likely to be drug fiends than alcoholics.—*John Koren. Alcohol and Society. p. 52.*

By the general concurrence of opinion of every civilized and Christian community, there are few sources

of crime and misery to society equal to the dramshop, where intoxicating liquors, in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every state show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source.—*United States Supreme Court. 137. U.S. 86. 1890.*

The committee finds that the chief direct cause of the downfall of women and girls is the close connection between alcoholic drink and commercialized vice. Women obtain liquor in palm gardens, wine rooms, saloons, and dance halls. To these places they are frequently taken by their companions and given liquor until their senses are deadened, after which the evil design sought is accomplished. After the first offense the career of a woman is apt to be downward at a rapid rate.—*Report of the Wisconsin Vice Committee (1914). p. 98.*

In the Commissioner's consideration and investigation of the social evil, it found as the most conspicuous and important element in connection with the same, next to the house of prostitution itself, was the saloon, and the most important financial interest, next to the business of prostitution was the liquor interest. As a contributory influence to immorality and the business of prostitution there is no interest so dangerous and so powerful in the city of Chicago.—*The Social Evil in Chicago* [*Report of the Vice Commission of Chicago, 1911*]. *p. 119.*

Twenty per cent of all cases of insanity, and more than half of the cases of suicide, owe their origin to alcohol. Where the use of alcohol is prohibited the number of arrests for crime at once falls. During the recent terrible earthquake at San Francisco all places for the

sale of alcohol were closed, and, despite the prevailing conditions of social anarchy, the average daily number of arrests for crime was only three. The very day the saloons were opened no less than seventy people were arrested, and this number was much increased on subsequent days.—*Dr. Alexander Bryce. The Laws of Life and Health. p. 105.*

The following extract from the decrees of the Third Plenary Council of Baltimore [1884. Composed of archbishops and bishops of the Catholic Church in the United States.] is pertinent: "There can be no manner of doubt that the abuse of intoxicating drinks is to be reckoned among the most deplorable evils of this country. This excess is an unceasing stimulant to vice and a fruitful source of misery; vast numbers of men and entire families are plunged into hopeless ruin and multitudes of souls are by it dragged headlong into eternal perdition." —*Senator Joseph E. Ransdell. Catholics and Prohibition. p. 5.*

The American saloon has no conscience. It never did a good act or failed to do a bad one. It is a trap for the youth; a destroyer for the old; a foul spawning place for crime; a corrupter of politics; knows no party; supports those men for office whom it thinks can be easiest influenced; has no respect for law or the courts; debauches city councils, juries, and everyone it can reach; is powerful in the unity of its vote, and creates cowards in office. It flatters, tricks, cajoles, and deceives in order to accomplish its purpose; is responsible for more ruin and death than all the wars the nation has ever engaged in; has corrupted more politics, ruined more lives, widowed more women, orphaned more children, destroyed more homes, caused more tears to flow, broken more hearts, undermined more manhood, and sent more people to an early grave than any other influence in our land.—*William S. Kenyon. Congressional Record. 55:5639. August 1, 1917.*

There is no doubt that alcoholism, though sometimes a mere symptom of some underlying mental disorder, is in a great number of cases the actual cause of insanity. Statistics in this connection are incomplete and often misleading, but here we are less concerned with the extent of the evil than with it characteristics. We find that the forms of mental disease which may be ascribed to alcohol show an extraordinary variety. As Sir George Savage said, when discussing the chances of recovery, "All things are possible to the alcoholic!" This statement holds good as regards the protean nature of the symptoms exhibited. But another point should be noted. Rarely does the clinical examination of a patient whose insanity is due to alcohol disclose symptoms which, in themselves, point clearly to alcoholic indulgence. Alcoholic insanity, with certain exceptions, is practically indistinguishable from insanity arising from other causes.—*Dr. Bedford Pierce. British Journal of Inebriety. 22:1-2. July, 1924.*

V. THE PROHIBITION MOVEMENT

HISTORICAL STATEMENT[1]

Alcoholic liquors were in common use for beverage purposes at the beginning of recorded history. We do not know even approximately when the practice began, although some able writers, like Dr. Edwin F. Bowers in his book, "Alcohol, Its Influence on Mind and Body," say it has been the custom for about thirty thousand years, or since the beginning of the agricultural period. This is probably as good a guess as can be made. The earlier beverages were the fermented liquors, for the process of distillation was first used in the eleventh century and it was not until the middle of the seventeenth century that ardent spirits became at all common in Great Britain. Almost all the nations and peoples of the earth are familiar with alcoholic liquors and use them for beverage purposes.

Almost as old as the use of alcoholic liquors have been the opposition to them and the efforts to prohibit or restrict their use. Senator Henry W. Blair in his book, "The Temperance Movement," published in 1888 says that the manufacture and drinking of alcoholic liquors were prohibited by an edict of the emperor of China four thousand years ago. The struggle to keep Bacchus out expresses in the figurative way of the ancient Greek language the struggle for prohibition that went on among the Hellenes of the classical times. To Mohammedan people the Koran speaks a commandment of absolute prohibition.

To this country alcoholic liquors came with the first explorers and settlers. In 1535 Cartier feasted the

[1] By Lamar T. Beman.

Indians with bread and wine on an island in the St. Lawrence river. Henry Hudson landed on Manhattan island with many of his men in 1609, met a group of Indians, and the whole party had a drunken carousal. The Mayflower brought liquor on its first trip to New England. In all of the settlements made in America liquors were in common use from the very beginning. In the early colonial days there were laws in almost every colony to restrict the use of liquors, to prohibit drunkenness and punish offenders, to license saloon keepers, to prevent adulteration, to fix the price so as to prevent over-charging, or to prohibit the sale to the Indians, to slaves, and in some cases to servants. So began the opposition to alcoholic beverages in America. It continued for three hundred years, gathering strength and momentum, until it culminated in national prohibition by an amendment to the Federal Constitution. For two centuries this opposition was a matter of moral suasion with local restrictive measures far short of prohibition. Finally in 1808 the first temperance society was organized at Moreau, in Saratoga county, New York. For the next generation, as these temperance societies were being organized throughout the country, lectures, sermons, temperance songs, and the signing of pledges were used to teach people the harmful effects of alcoholic liquors and thus reform drunkards, warn the younger people of the dangers of the drink habit and keep them temperate. At first these societies advocated temperance, condemning all use of the stronger liquors and intemperate use of the milder liquors, but in the early thirties many of these societies were advocating total abstinence from all alcoholic liquors.

State-wide prohibition has swept across this country in two great waves, the first of which began with its adoption in Maine in 1846. In the next decade a dozen other states followed Maine in enacting state-wide prohibition. All of these thirteen states were in the northern and eastern part of the country, Illinois and Delaware

being the ones most remote from Maine. In most of these states the law was soon repealed and attention was diverted from the liquor question by the Civil War.

Shortly after the beginning of the first wave of statewide prohibition there was a constitutional convention in Ohio which drew up a new constitution and submitted it to the voters for their ratification or rejection at a special election in June of 1851. As one section of this constitution, to be voted on separately, this convention submitted the following, "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against the evils resulting therefrom." These meaningless words were approved by the voters and became section 9 of article 15 of the constitution of 1851, and remained a part of the constitution of Ohio until 1912. Apparently the voters thought the approval of this section would mean prohibition for the whole state, but such was not the case. While it is difficult properly to estimate the motives of the members of a convention that completed its labors more than three score and ten years ago, still it may be said that this seems to be a case of a temperance movement betrayed by its own leaders. Certainly it was said in the convention before final action was taken on this section, and said in language clear and unmistakable, that (1) the meaning of this section was not clear, and would have to be interpreted by the courts, (2) no ambiguous or indefinite language should be used in a constitution, (3) this section did not give the General Assembly any greater power than it would have if the section were omitted, (4) it might lead to the free and unrestricted sale of liquor, or at least make it difficult for the General Assembly to enact any law to regulate the liquor traffic, and (5) possibly this section was a trap.[1]

Exactly the opposite effect of the Civil War on the

[1] Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio, 1850-1851. Vol. 2, p. 713-14.

first wave of state-wide prohibition was produced by the World War on the second wave which began in 1907 in Georgia, and spread chiefly through the south and west until thirty states had been added to the three already on the prohibition list.

Forty of the states, at one time or another, have adopted state-wide prohibition, several of them afterward repealing it, and some of them later adopting it again. All of these facts are shown in the accompanying list. At the time the Eighteenth Amendment to the Federal Constitution went into effect state-wide prohibition was the law in thirty-three states, or more than two-thirds of the states of the union, eighteen of them having written it into their constitutions.

STATE-WIDE PROHIBITION

No.	State	Statutory or constitutional	Adopted	Repealed
1	Maine [1]	Statutory	1846	1856
2	Illinois	Statutory	1851	1853
3	Massachusetts	Statutory	1852	1868
4	Vermont *	Statutory	1852	1903
5	Rhode Island *	Statutory	1853	1863
6	Michigan *	Statutory	1853	1875
7	Connecticut	Statutory	1854	1872
8	Delaware	Statutory	1855	1857
9	Indiana [3]	Statutory	1855	1858
10	Iowa [3] *	Statutory	1855	1857
11	Nebraska	Statutory	1855	1858
12	New Hampshire	Statutory	1855	1903
13	New York [3]	Statutory	1855	1856
1	Maine *	Statutory	1858	
14	Kansas	Statutory	1867	
3	Massachusetts	Statutory	1869	1875
5	Rhode Island	Statutory	1874	1875
14	Kansas *	Constitutional	1880	
10	Iowa [3] *	Constitutional	1882	1883
1	Maine *	Constitutional	1884	
10	Iowa	Statutory	1884	1894
5	Rhode Island *	Contitutional	1886	1889
15	South Dakota *	Constitutional	1889	1896
16	North Dakota *	Constitutional	1889	
17	Georgia [2]	Statutory	1907	
18	Oklahoma *	Constitutional	1907	

See notes 1, 2, 3 and * page 85.

STATE-WIDE PROHIBITION (*Continued*)

No.	State	Statutory or constitutional	Adopted	Repealed
19	Alabama	Statutory	1908	1911
20	North Carolina*	Statutory	1908	
21	Mississippi	Statutory	1908	
22	Tennessee	Statutory	1909	
23	West Virginia*	Constitutional	1912	
24	Colorado*	Constitutional	1914	
25	Virginia*	Statutory	1914	
26	Arizona*	Constitutional	1914	
27	Oregon*	Constitutional	1914	
28	Washington*	Statutory	1914	
29	Arkansas	Statutory	1915	
30	Idaho	Statutory	1915	
10	Iowa	Statutory	1915	
21	Alabama	Statutory	1915	
31	South Carolina*	Statutory	1915	
6	Michigan*	Constitutional	1916	
11	Nebraska*	Constitutional	1916	
15	South Dakota*	Constitutional	1916	
32	Montana*	Constitutional	1916	
30	Idaho*	Constitutional	1916	
33	Utah	Statutory	1917	
9	Indiana	Statutory	1917	
12	New Hampshire	Statutory	1917	
34	New Mexico*	Constitutional	1917	
35	Florida*	Constitutional	1918	
36	Ohio*	Constitutional	1918	
37	Wyoming*	Constitutional	1918	
38	Nevada*	Statutory	1918	
39	Texas*	Statutory	1918	
33	Utah*	Constitutional	1918	
40	Kentucky*	Constitutional	1919	
39	Texas*	Constitutional	1919	

[1] Strengthened by a law passed in 1851.
[2] Strengthened by a law passed in 1915.
[3] Declared unconstitutional by the courts
*Ratified by the voters in a referendum election.

This list shows that state-wide prohibition was adopted by action of state legislatures on twenty-four occasions, and that it was ratified by the voters on thirty-four other occasions. On more occasions it has been considered by legislatures and not enacted into law, and on about the same number it has been submitted to the voters and rejected or repealed by them. In Wisconsin

in 1855 and in Utah in 1909 and in 1915 a prohibition bill passed both houses of the legislature, but was vetoed by the governor. A prohibition amendment to the state constitution received a majority of the votes cast on the question, but failed of adoption because it did not receive a majority of all votes cast at that election, in Ohio in 1883 and in Minnesota in 1918.

Prohibition has also been adopted in several of the territories. It was in effect in Minnesota, Nebraska, and Oklahoma before they were admitted as states. It was the law of Alaska from 1884 to 1899. In 1917 it was adopted in Alaska, Porto Rico, and the District of Columbia, and in 1918 in Hawaii. In Alaska and Porto Rico it was ratified by the voters.

Step by step the anti-alcohol movement in the United States has developed new methods and new objectives. In the seventeenth and eighteenth centuries it was confined to local restrictive and regulatory measures. Early in the nineteenth century temperance societies were organized. At first these were local and independent bodies, but they soon merged into national societies, and then into national fraternal societies whose chief teaching was temperance. At the beginning of the nineteenth century the word temperance was used to mean the temperate or moderate use of alcoholic liquors. By 1820 it was ordinarily used to mean the temperate use of the milder liquors and total abstinence as regards ardent spirits. By 1830 most people used it to mean total abstinence.

As the first wave of state-wide prohibition receded and the temperance cause seemed to be losing ground, the prohibition party was organized in 1869. Five years later the National Woman's Christian Temperance Union was organized. And finally in 1893, a new chapter in the history of the anti-alcohol movement begins with the organization of the Anti-Saloon League. This organization brought to the contest more efficient leaders and more efficient and modern methods of organization,

action, and propaganda. It maintained a keen and alert organized lobby at Washington and at most of the state capitals. It played politics across and through party lines, the same as the liquor interests had. It used its own papers and magazines; it got its material into newspapers and periodicals; and it published a great number of pamphlets, leaflets, bulletins, posters, books, and reports. It organized the leading Protestant Churches, and worked through them. It raised sufficient funds to carry on its work, and made fund raising an important part of its work. It has its national headquarters and printing plant at Westerville, Ohio, and its legislative headquarters at Washington. In its name, Anti-Saloon League, it directs public attention to the greatest evil in connection with the liquor traffic. It is the church militant against the saloon. With this organization, then, began a new chapter in the anti-alcohol movement, new in its leaders, new in its methods, and new in its objective, which was to put an end to the saloon.

As a nation-wide measure by an amendment to the Federal Constitution, prohibition was first introduced in Congress in 1876 by Henry W. Blair, a great moral pioneer who was then a member of the House of Representatives from the state of New Hampshire. This resolution did not come to a vote. Later Mr. Blair was elected to the United States Senate where he served two terms. He introduced a similar resolution in the Senate in the 49th and 50th Congresses, in both of which it was referred to the Committee on Education and Labor, by whom it was reported back favorably. In neither Congress did it come to a vote, but in the closing days of the 50th Congress, on March 2, 1889, Senator Blair moved to proceed to consider the resolution, saying he did not want it debated, but that since the matter had been before Congress for fourteen years, he thought it ought to come to a vote as a matter of record. His motion was lost by a vote of thirteen to thirty-three.

In 1913 the Anti-Saloon League, then twenty years

old, decided at its fifteenth national convention, held in the second week of November at Columbus, Ohio, to launch its campaign for national prohibition. About a month later the proposed amendment, as approved by the league, was introduced in both houses of Congress, in the Senate by Senator Morris Sheppard, and in the lower house by Richmond P. Hobson. About a year later, on December 22, 1914, the Hobson resolution was debated and voted on in the House of Representatives, the first time that nation-wide prohibition by constitutional amendment had ever come to a vote in either house of Congress. The proposed amendment was defeated because it did not get the necessary two-thirds vote required for an amendment to the Constitution, although it did get a majority vote of the members voting on it, the vote being one hundred ninety-seven for it and one hundred eighty-nine against it. In the Senate the Sheppard resolution did not come to a vote in this Congress.

Similar resolutions were introduced in both houses of Congress in 1915 after the 64th Congress had assembled. In each house the resolution was referred to the judiciary committee, and each of the judiciary committees made a favorable report, recommending the adoption of the resolution, but neither house acted on the report.

Again in the 65th Congress, which met in 1917, a similar resolution was introduced in each house, again referred to the judiciary committee in each house, again reported favorably by both judiciary committees, and then passed by both houses by the necessary two-thirds vote. In the Senate the vote was sixty-five to twenty and in the House of Representatives it was two hundred eighty-two to one hundred twenty-eight. The final Congressional action was taken on December 18, 1917. The matter was then before the states for their ratification, the favorable action of three-fourths of the states being necessary to make the resolution a

part of the Constitution. On January 8, 1918, just three weeks later, Mississippi was the first state to ratify it. On January 16, 1919 Nebraska was the thirty-sixth state to ratify the resolution, thus making it a part of the Constitution from that date. A dozen more states afterward ratified it, although their action was not necessary to secure its adoption. Only two states failed to ratify it, Connecticut and Rhode Island, and in each of these one house of the legislature voted to ratify it. In Kansas where state-wide prohibition had been in effect for almost forty years, it was ratified by a unanimous vote in both houses within two hours after the legislature had been called to order. In five other states the ratification was unanimous in both houses of the legislature.

By the terms of the resolution it was to become effective one year after the day the thirty-sixth state ratified it, which would be January 16th, 1920. On October 28, 1919, the National Prohibition Act (the Volstead Law) became a law, being passed over the veto of President Wilson. The Act Supplemental to the National Prohibition Act (the Anti-Beer Bill) was approved by President Harding on November 23, 1921.

The following chronological table gives the high spots in the three hundred years' struggle over the liquor question in America.

Milestones in the Progress of Prohibition [1]

1619 Virginia enacts a law against drunkenness.

1630 Governor Winthrop of Massachusetts discontinues the custom of drinking healths and requests others to do likewise.

1631 Virginia enacts a law to prevent clergymen from getting drunk.

1633 Massachusetts Bay enacts a law that no person shall sell liquors without the consent of the governor, and that no strong drink shall be sold to the Indians.

[1] By Lamar T. Beman.

1637 Massachusetts prohibits the sale of strong liquor to Indians.

1638 Maryland enacts a law against drunkenness, punishing it with a fine of thirty pounds of tobacco, or corporal punishment if the party is unable to pay the fine.

1642 Maryland increases the fine for drunkenness to one hundred pounds of tobacco.

1642 New York prohibits sale of liquor to the Indians.

1643 Connecticut forbids the sale of liquors without a license.

1644 New York increases the excise tax on beer. The brewers' refusal to pay the tax is called the "Beer Rebellion."

1645 Massachusetts enacts a law that no person shall be allowed to loiter in a saloon for more than a half hour.

1645 Connecticut prohibits the sale of intoxicating liquors to Indians.

1647 Rhode Island adopts a license law.

1647 New York enacts a law prohibiting the sale of liquor after nine o'clock in the evening, and before four o'clock in the afternnon on Sunday.

1648 New York enacts a law to prevent brewers from retailing beer, and saloon keepers from brewing beer.

1649 On account of a short wheat crop, New York prohibits the use of wheat in making beer.

1651 New York enacts a law fixing the price at which liquors are to be sold because of the high prices being charged.

1655 Pennsylvania prohibits the sale of liquor to Indians.

1656 Connecticut fixes by law the prices at which liquor is to be sold.

1657 Virginia enacts a law by which drunkenness is fined fifty pounds of tobacco for the first offence.

1660 Virginia enacts a law to license saloon keepers, charging them an annual fee of three hundred and fifty pounds of tobacco.

1660 Plymouth prohibits the sale of liquor to children. servants, drunkards, and sale on Sundays.

1666 Maryland fixes by law the prices of liquor a saloon keeper may charge.

1668 Virginia enacts a law to decrease the number of saloons. The act declares that there are an excessive number of saloons set up for private gain, and that they are "full of mischiefe and inconvenience by cherishing idleness and debaucheryes."

1676 Virginia adopts a law to punish justices of the peace who are drunk on court days, for the first offence a fine of five hundred pounds of tobacco, for the second offence a fine of one thousand pounds of tobacco, for the third offence forfeiture of office.

1677 New Jersey enacts a law to hold saloon keepers liable for distrubances caused by liquor sold on Sunday.

1679 New Jersey adopts a law prohibiting the sale of any liquor to any Indian on pain of twenty lashes for the first offence, thirty lashes for the second offence, and imprisonment during the governor's pleasure for the third offence.

1682 Pennsylvania adopts a strict law against drunkenness and selling liquor to the Indians.

1686 South Carolina requires persons selling liquor to have a license from the governor.

1691 Jacob Leisler and Jacob Milborne hanged in New York by order of the governor signed after he had been made drunk by the enemies of Leisler and Milborne and kept drunk all night lest he might withdraw his order if he became sober.

1692 Maryland passes a law to limit the number of saloons.

1694 Massachusetts enacts a law against selling liquor to drunkards, making it punishable by a fine of 20 shillings and providing that a list of the names of drunkards must be posted in every saloon.

1695 Rev. John Miller wrote "A Description of the Province and City of New York" in which he described the drunken debaucheries of the times.

1697 New York prohibits visiting saloons on Sunday.

1701 Pennsylvania adopts a law against adulterating liquors, and doubles the penalty for selling liquor to Indians.

1710 The prevalence of bootlegging leads Virginia to enact a law against the unlawful sale of liquor.

1718 Pennsylvania adopts a law to compel saloon keepers to give security in the sum of £100 for faithful observance of the laws against selling liquor to minors, servants, or Indians, or selling at prices above the fixed rates.

1719 New Hampshire makes a law prohibiting the sale of liquor to drunkards, and orders their names posted in public houses.

1724 Pennsylvania enacts a law preventing the granting of a license to any one to sell liquor within two miles of any furnace or iron works.

1734 Georgia prohibits the importation of rum.

1747 Maryland enacts a law that no liquor is to be sold within two miles of any meeting house of the Quakers.

1748 Virginia provides by law that the license of any saloon keeper may be revoked if on Sunday he lets anybody get drunk or "drink more than is necessary."

1757 A Pennsylvania law prohibited the sale of liquor within two miles of any muster field or drill ground.

1761 The Governor of New York, in a message to the Assembly, recommends the adoption of a law to restrict or limit the number of saloons.

1776 Benjamin Franklin wrote in his autobiography, "If it be the design of Providence to extirpate these savages (the Indians) in order to make room for cultivators of the earth, it seems not improbable that rum may be the appointed means. It has already annihilated all the tribes who formerly inhabited the sea-coast."

1778 On account of the scarcity of grain and the necessity of feeding the Revolutionary Army, Pennsylvania, Virginia, and Maryland enact laws to prohibit the distilling of grain.

1783 The Indians of western Pennsylvania decide in council to spill all liquor sent among them.

1785 Dr. Benjamin Rush published his book entitled "An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind."

1789 Two hundred farmers of Litchfield County, Conn., pledge themselves not to use any distilled liquor during the ensuing farming season.

1794 The Whiskey Rebellion in western Pennsylvania. The laws of the United States are openly violated and Federal officials are defied and ridiculed, some of them being assaulted or driven out of that district, by the distillers, saloon keepers, and their sympathizers until President Washington sends an army of fifteen thousand men to enforce the law.

1800 Micajah Pendleton of Nelson County, Virginia, signs and circulates the first total abstinence pledge.

1802 On January 27 President Jefferson sent a message to Congress in which he said "the Indians are becoming very sensible of the baneful effects produced on their morals, their health and existence by the abuse of ardent spirits and

some of them earnestly desire a prohibition of that article from being carried among them. The Legislature will consider whether the effectuating of that desire would not be in the spirit of benevolence and liberality which they have hitherto practiced toward these our neighbors, and which has had so happy an effect toward conciliating their friendship. It has been found, too, in our experience that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians."

1802 On March 30 Congress enacted a law which made provision that "The President of the United States be authorized to take such measures from time to time as may appear to him expedient to prevent or restrain the vending or distributing of spirituous liquors among all or any of the said Indian tribes."

1805 The Sober Society is formed at Allentown, N.J.

1808 The first Temperance Society was organized at Moreau, Saratoga County, N.Y., by Dr. B. J. Clark.

1813 Congress enacts a law "for laying duties on licenses to retailers of wines and spirituous liquors. "

1813 The Massachusetts Society for the Suppression of Intemperance organized at Boston.

1815 Congress enacts a law providing that any one establishing a still in the Indian country shall be fined $500 and shall forfeit the still.

1816 Thomas Jefferson, in a letter to Charles Yancey, dated January 6, 1816, (which was about seven years after he had retired from the Presidency) said, "I wish to see this beverage (beer) become common instead of the whiskey which kills one-third of our citizens and ruins their families."

1819 The Cherokee Nation, one of the most advanced groups of Indians who then lived in Georgia, adopts prohibition.

1826 The American Society for the Promotion of Temperance organized at the Park Street Church in Boston.

1833 Georgia adopts the first local option law, giving to the inferior courts of two counties the right of local option.

1833 The Congressional Temperance Society organized at Washington, D.C.

1833 The first National Temperance Convention held at Philadelphia with four hundred forty delegates from twenty-two states.

1834 Congress passes a new law to prevent the sale of liquor to the Indians, strengthening the acts of 1815 and 1832.

1838 Rhode Island passes a local option law, giving the towns the right to prohibit the manufacture and sale of intoxicating liquors.

1840 The Washington Temperance Society organized at Baltimore and advocates total abstinence.

1842 The Sons of Temperance organized in New York City.

1845 The Templars of Honor and Temperance organized at Providence.

1846 Maine becomes the first state to adopt a statewide prohibition law.

1847 The United States Supreme Court hands down its decision in the license cases, in which Chief Justice Taney, speaking for the court, said, (p. 576-7) "If any state deems the retail and internal traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic, or

from prohibiting it altogether, if it thinks proper. (46 U.S. 504)

1849 Neal Dow is elected mayor of Portland, Me.

1849-1851 Father Mathew visits the United States and makes an extended tour of the country.

1851 Ohio writes into its new constitution the following meaningless section, probably designed to please the liquor interests and fool the temperance people: "Article 15, Section 9. No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against the evils resulting therefrom."

1851 The Maine state-wide prohibition law is amended so as to strengthen it very greatly.

1851 The Independent Order of Good Templars is founded in central New York.

1853 The World's Temperance Convention is held in New York City.

1854 Ohio passed its Civil Damage Act as a remedy for the evils of the liquor traffic. This law prohibited the sale of intoxicating liquors in any quantity to be consumed on the premises where sold, prohibited any sale to minors and intoxicated persons, and gave to any wife, child, parent, guardian, employer, or other person injured in person, property, or means of support by any intoxicated person, or in consequence of intoxication or otherwise, in violation of this law, a right of action in court in his own name against the person who sold the liquor for all damages actually sustained as well as exemplary damages.

1862 Congress passes a law to prohibit any person from selling any spiritous liquor to any Indian under charge of an Indian agent appointed by the United States.

1862 The United States Navy abolishes rations of spiritous liquors.

1865 The National Temperance Society and Publication House organized with its headquarters in New York City.

1869 The National Prohibition Party organized at Chicago by five hundred delegates, representing twenty states.

1870 The Order of Royal Templars of Temperance organized at Buffalo, as the result of an effort to close the saloons of that city on Sunday.

1871 The United Friends of Temperance organized at Nashville, Tenn.

1872 The Catholic Total Abstinence Union of America formed at Baltimore, one hundred twenty-five social societies being represented. Local organizations of this kind had existed before this time, some of them having been organized during the visit of Father Mathew, but there had been no bond of union among them until this time.

1873 The Woman's Temperance Crusade at Hillsboro, Ohio.

1874 The National Woman's Christian Temperance Union organized at Cleveland, Ohio.

1874 The Congregational Total Abstinence Society organized.

1876 The first proposal in Congress to amend the Federal Constitution to provide for nation-wide prohibition is introduced by Henry W. Blair, a representative from New Hampshire.

1876 The International Temperance Congress meets at Philadelphia.

1877 President Hayes refuses to serve liquor at the White House.

1877 In its decision in the case of Beer Company vs. Massachusetts (97 U.S. 25) the United States

Supreme Court said, (p. 32) "If the public safety or the public morals require the discontinuance of any manufacture or traffic, the hand of the legislature cannot be stayed from providing for its discontinuance by any incidental inconvenience which individuals or corporations may suffer."

1880 Kansas is the first state to write state-wide prohibition into its constitution.

1881 The Church Temperance Society of the Protestant Episcopal is organized in New York City.

1881 Nebraska is the first state to adopt high license as a remedy.

1883 The Law and Order League of the United States is organized at Boston by representatives of twenty-seven local leagues.

1884 Prohibition is adopted for all Alaska by action of Congress.

1886 Congress enacts a law providing for compulsory temperance education in the public schools of the District of Columbia.

1886 On March 28th P. M. Arthur, Grand Chief of the Brotherhood of Locomotive Engineers, said in a speech at Cleveland, "If I could, I would inaugurate a strike that would drive the liquor traffic from the face of the earth."

1887 In the case of Mugler vs. Kansas (123 U.S. 623) the Supreme Court of the United States said, (p. 662) "We cannot shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact, established by statistics accessible to everyone, that the idleness, disorder, pauperism, and crime existing in the country are, in some degree at least, traceable to this evil. If, therefore, a state deems the absolute prohibition of the manu-

facture and sale, within her limits, of intoxicating liquors for other than medical, scientific, and manufacturing purposes, to be necessary to the peace and security of society, the courts cannot, without usurping legislative functions, override the will of the people."

1888 The United States Supreme Court says in the case of Bowman vs. C. & N.W. R.R. (125 U.S. 465) that a state cannot, for the purpose of protecting its people against the evils of intemperance, enact laws which regulate commerce between its people and those of other states of the union, unless the consent of Congress, express or implied, is first obtained.

1889 On March 2 by a vote of thirteen to thirty-three the United States Senate defeated a motion "to procede to consider" Senator Blair's resolution to propose an amendment to the Federal Constitution to provide for nation-wide prohibition.

1890 On April 28 the Supreme Court of the United States rendered its decision in the case of Leisy vs. Hardin (135 U.S. 100) commonly known as "the original package case," in which it held unconstitutional as repugnant to the Federal Constitution the provisions of the prohibition law of Iowa, which prohibited shipping into Iowa liquor made in another state and selling it in Iowa in the original packages or kegs, unbroken or unopened.

1890 The Non-Partisan Woman's Christian Temperance Union organized by a faction that seceded from the parent organization.

1890 On August 8th President Harrison approved the Wilson Act, by which Congress sought to make all intoxicating liquors in interstate commerce subject to the laws of the state into which they were shipped, or, in other words, to remove the legal difficulties in the enforcement of the

state prohibition laws that had been created by the decision in the original package case.

1890 On November 10th in the decision it handed down in the case of Crowley vs. Christensen (137 U.S. 86) the United States Supreme Court said, (p. 91) "By the general concurrence of opinion of every civilized and Christian community, there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors, in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every state show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source."

1892 South Carolina adopts the state dispensary system to become effective July 1, 1893. This was a compromise between the prohibitionists and the liquor interests, and was made after the lower house of the legislature had passed a state-wide prohibition law.

1893 The Anti-Saloon League is organized at Oberlin, Ohio, by Howard H. Russell.

1893-1903 The Committee of Fifty makes a careful study of the liquor problem in its different phases and publishes: (1) "The Liquor Problem in its Legislative Aspects," 1897. (2) "Economic Aspects of the Liquor Problem," 1899. (3) "Substitutes for the Saloon," 1901. (4) "Physiological Aspects of the Liquor Problem," 2 vols., 1903. (5) "The Liquor Problem: A Summary of the Investigations Conducted by the Committee of Fifty," 1905.

1893 The World's Temperance Congress is held at Chicago on June 5-7. Among the able addresses was one by Rev. J. B. Dunn of Boston on the subject "Are beer and light wines to be en-

couraged as against the stronger distilled liquors?"

1894 Governor Benjamin R. Tillman of South Carolina wrote an article for the North American Review (Vol. 158, p. 513-19. May, 1894) entitled "Our Whiskey Rebellion," in which he described the violations of the state dispensary law, called the "Ten Days Whiskey War," in which several persons were killed or wounded, and in which a considerable part of the state militia refused to obey the orders of the governor.

1895 The Reform Bureau, afterward known as the International Reform Bureau, and now known as the World Prohibition and Reform Federation, was founded at Washington, D.C., by Dr. Wilbur F. Crafts.

1898 The United States Commissioner of Labor published as his twelfth annual report a volume entitled "The Economic Aspects of the Liquor Problem."

1898 Edward W. Bok said in a public address, "The presidents of the two largest railroads in this country have each told me personally within the past year that they will no longer employ any man for any position on their roads who drinks even moderately."

1899 Prohibition is abandoned in Alaska and high license adopted in its place by act of Congress.

1899 The Secretary of the Navy issues an order prohibiting traffic in alcoholic liquor on ship-board and at naval stations.

1901 Congress adopts the Anti-Canteen Law.

1902 Congress passes the New Hebrides Bill, by which Americans are prohibited from selling intoxicating liquors to the natives of the Pacific Islands.

1903 The Five Civilized Tribes oppose any plan to admit Oklahoma as a state which would endanger the prohibition laws.

1904 The Subway Tavern, a temperance saloon, is opened in New York city by a group of public spirited citizens who wished to try the experiment of providing a place for selling liquors in clean decent surroundings where every effort would be made to prevent the abuses and excesses of the ordinary saloon as a remedy for evils of the liquor traffic.

1905 After about one year of operation, the Subway Tavern fails, killed by the competition of three low class saloons in the immediate vicinity.

1907 Georgia adopts state-wide prohibition, beginning the second movement for state-wide prohibition among the states.

1907 South Carolina abandons its experiment with the state dispensary system, and adopts a county option system, permitting each county to choose between a county dispensary system and county prohibition.

1909 Nebraska adopts a law compelling saloons to close at eight o'clock in the evening and remain closed until seven o'clock in the morning.

1911 On February 2, Captain Richmond P. Hobson, the hero of the Spanish War, delivered in Congress his address entitled "The Great Destroyer," two million copies of which were distributed through the country.

1911 On Sunday, December 10th, investigators representing the Baptist Brotherhood, visit sixteen hundred thirty saloons in the city of Cleveland and find fifteen hundred thirty-four wide open and doing a rushing business in violation of the state law, many of them selling liquor to children in violation of another state

law, and quite a number of them having music in the barrooms in violation of a city ordinance.

1913 At the annual meeting of the Baptist Brotherhood of Cleveland fourteen months after their investigation of the saloons of the city it was reported that a committee of the Brotherhood had called on the mayor (Newton D. Baker) from whom they got no satisfaction at all, and on the chief of police (Fred Kohler) who was "very abusive" and immediately threw into his waste basket the affidavits which the committee gave him concerning violation of the Sunday closing law.

1913 A proposed prohibition amendment to the Federal Constitution, approved and endorsed by the Anti-Saloon League, was introduced in both houses of Congress.

1913 On March 1, the Webb-Kenyon law was passed over the veto of President Taft. This law prohibits the shipment in interstate commerce of intoxicating liquors when they are intended to be received, possessed, sold, or in any manner used by any one in violation of any law of the state or territory into which they are shipped. There is no penalty attached to this law. Prosecutions were to be in the state courts and for violation of the state prohibition laws. This act simply removed the protection which the Federal Constitution and laws give to interstate commerce from those criminals who wished to violate the state prohibition laws.

1914 The Wisconsin State Vice Committee made its report in which it said, "The chief cause of the downfall of women and girls is the close connection between alcoholic drinks and commercialized vice."

1914 The Commission to Investigate Drunkenness in Massachusetts made its report in which it said, "Massachusetts prison statistics show that 96 per cent of all criminals in our prisons in 1912 were intemperate by habit."

1914 For the first time a proposed amendment to the Federal Constitution providing for nation-wide prohibition was voted on in the National House of Representatives. On December 22, the Hobson resolution got a majority of the votes cast, but was defeated because it failed to get the two-thirds vote necessary for an amendment to the Constitution.

1915 The Brotherhood of Locomotive Engineers at its triennial convention votes unanimously to indorse national and state-wide prohibition.

1915 Whisky and brandy are dropped from United States Pharmacopoeia.

1917 On January 8 the United States Supreme Court sustained the constitutionality of the Webb-Kenyon Law in the case of Clark Distilling Co. vs. Western Maryland Railway Co. and the State of West Virginia. (242 U.S. 311)

1917 On December 18, Congress passes the Eighteenth Amendment and submits it to the states for ratification.

1918 On November 21, Congress enacts the War Prohibition Act, to become effective on July 1, 1919.

1919 On January 14, both houses of the legislature of Kansas (which had had state-wide prohibition for almost forty years) ratify the Eighteenth Amendment by unanimous vote within two hours after they have been called to order for the first time since the amendment was proposed by Congress.

1919 On January 16, Nebraska ratifies the Eighteenth Amendment. Being the 36th state to ratify, this makes ratification lawfully complete.

Twelve more states ratified it later, leaving only two, Connecticut and Rhode Island, that did not ratify it, but even in these two, one house of the legislature voted to ratify.

1919 On October 28, the National Prohibition Act (the Volstead Law) for the enforcement of the Eighteenth Amendment was passed by Congress over the veto of President Wilson.

1920 On January 16, the Eighteenth Amendment and the Volstead Act become effective.

1920 The New York Legislature adopts a law permitting manufacture and sale of 2.75 per cent beer.

1920 On June 7 the Supreme Court sustains the constitutionality of the Eighteenth Amendment and the Volstead Act, affirming the right of Congress to determine what is an intoxicating liquor. (253 U.S. 350)

1921 On November 23, the Anti-Beer bill is signed by President Harding and becomes a law.

1921 New York adopts a law to enforce the Eighteenth Amendment.

1922 President Angell of Yale said in his baccalaureate address, "The violation of law has never been so general nor so widely condoned as at present."

1922 In his annual address to Congress on December 8 President Harding said, "Constitutional prohibition has been adopted by the nation. It is the supreme law of the land. In plain speaking, there are conditions relating to its enforcement which savor of nation-wide scandal. It is the most demoralizing factor in our public life."

1923 New York repeals its act to enforce the Eighteenth Amendment.

1923 Negotiations with Great Britain to extend the three-mile limit, in an effort to check the

operations of criminals who are smuggling liquor into this country.

1923 The Supreme Court decides that the Eighteenth Amendment and the Volstead Act apply to all merchant vessels, both domestic and foreign, when within the territorial waters of the United States, and do not apply to domestic vessels when outside our territorial waters.

1924 The Supreme Court sustains the Anti-Beer Law as constitutional.

BRIEF EXCERPTS

The nation has deliberately, after many years of consideration, adopted the present policy, which is written into the Eighteenth Amendment.—*President Harding. Outlook. 134:73. May 30, 1923.*

Nothing in our history is more remarkable than the steady growth of the prohibition movement. Beginning as a moral movement, it has become economic, social, and political.—*Imogen B. Oakley. Annals of the American Academy. 109:166. September, 1923.*

The prohibition movement in the United States has been an evolution rather than a revolution, each period plainly revealing a more advanced temperance sentiment and a more aggressive attitude of opposition to the beverage liquor traffic than that shown in the preceeding period.—*Ernest H. Cherrington. The Evolution of Prohibition in the United States. p. 3.*

To one who studies the history of the prohibition movement, it is quite evident that it is a very old movement, and not a freakish development of the last decade. There are many who claim that the prohibitionists have, by a stroke of national strategy, "pulled the wool" over

the eyes of the American public. The evidence does not support this view. It appears more likely that the growing sentiment in favor of temperance was finally crystallized in the form of the Eighteenth Amendment. —*Eugene J. Benge. Annals of the American Academy. 109:111. September. 1923.*

Prohibition was written into the Constitution with as much deliberation as attended the enactment of any amendment to the Constitution. It is sheer caricature to convey the impression, as do writers like Mr. Fabian Franklin, that the eighteenth amendment came like a thief in the night, and as a result of the machinations of the Anti-Saloon League. Prohibition was the culmination of fifty years of continuous effort; nor did the movement lack alert, persistent, and powerful opposition.—*Felix Frankfurter. Annals of the American Academy. 109:193. September, 1923.*

No [other] amendment to the federal Constitution ever received as strong official sanction by the states as the Eighteenth Amendment. The original Constitution was adopted in the [legislatures of the] 13 original states by a majority of about two to one [of the total number of legislators]. The aggregate vote in the state Senates and state Houses of Representatives on the Eighteenth Amendment shows a majority of more than four to one. The Bill of Rights, containing the first ten Amendments to the American Constitution, and the Eleventh Amendment, were ratified by 10 out of 13 states. Four states did not ratify the Twelfth Amendment. Five states did not ratify the Thirteenth Amendment. Four states did not ratify the Fourteenth Amendment. Six states failed to ratify the Fifteenth Amendment. Six states failed to ratify the Sixteenth Amendment. Twelve states did not ratify the Seventeenth Amendment, and 12 states did not ratify the Nineteenth Amendment. The Eighteenth Amendment, however,

received the ratification of 46 out of 48 states, and one House in each of the two remaining states voted for ratification. Moreover, 47 of the 48 states enacted laws to help carry into effect the provisions of the Eighteenth Amendment, and but two of the 47 have repealed or weakened such laws.—*Ernest H. Cherrington. Annals of the American Academy. 109:223. September, 1923.*

For more than 100 years prohibition was intensively and extensively studied and discussed. No question ever decided by the American people was better understood. Before national prohibition went into effect 34 states, acting separately for themselves, had adopted prohibition. More than three-fifths of the people and four-fifths of the territory of the country were under prohibition. The Eighteenth Amendment was submitted by a vote of more than two-thirds of both houses of the United States Congress and has been ratified by 46 of the 48 states or by twenty-three twenty-fourths of them. The only two states which have failed to ratify to date, Connecticut and Rhode Island, have less than one-thirty-fifth of the population and a trifle more than one-five-hundredth of the continental area, and if the water which is included in these states is not counted the area is further reduced by more than 300 square miles.—*Charles Scanlon. Christian Science Monitor. September 8, 1922.*

VI. THE LAW OF PROHIBITION
THE EIGHTEENTH AMENDMENT

1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided by the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

THE VOLSTEAD LAW

The National Prohibition Act, commonly known as the Volstead Law, passed by Congress over the veto of President Wilson on October 28, 1919, became effective on January 16, 1920. This law is composed of three parts, called titles. Title I provides for the enforcement of war time. Title III is devoted to the subject of industrial alcohol. With neither of these are the purposes of the present volume concerned. Title II deals with the enforcement of the Eighteenth Amendment. Its provisions have been summarized in the 1920 Yearbook of the Anti-Saloon League, pages 90-4, as follows:

Sec. 1. *Definition.* Intoxicating liquor is defined to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any other spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes: Provided, however, That the foregoing definition shall not extend to dealcoholized wine nor to any liquor or liquid produced by the process by which beer, ale, or porter is manufactured but containing not more than one-half of 1 per centum of alcohol if such liquor or liquids shall be otherwise denominated than as beer, ale, or porter.

Sec. 2. *Arrests, Etc.* Commissioner of Internal Revenue and his assistants to investigate and report violations of the bill to the local United States Attorney, who is directed to prosecute offenders under the Attorney General's direction. Commissioner and his assistants authorized to swear out warrants for arrests and search, and to conduct preliminary trials under control of the district attorney, R. S. 1014, which prescribes the procedure for arresting offenders in general, made applicable.

Sec. 3. *Prohibition.* Manufacture, sale, transportation, importation, exportation, possession, etc., of intoxicating liquors prohibited, from the date when the Eighteenth Amendment takes effect, except as otherwise provided in the bill. Purchase and sale of warehouse receipts covering distilled spirits in warehouses and no tax shall attach to such sale of receipts.

Sec. 4. Exceptions. Prohibition not to apply to:

(a) denatured alcohol;
(b) medicinal preparations in accordance with United States Pharmacopeia, etc., if unfit for beverage use;
(c) patent medicines unfit for beverage uses;
(d) toilet preparations unfit for beverage uses, having quantity of alcohol printed on the package;
(e) flavoring extracts unfit for use as a beverage;
(f) vinegar and fruit juices for the production of vinegar.

Manufacturers of these articles required to obtain permits for such manufacture and for purchase of liquors needed as material, and to give bond, keep records and make reports as specified in the bill or by direction of the Commissioner of Internal Revenue. Manufacturers not to sell or use liquor otherwise than as an ingredient of articles manufactured. No more alcohol to be used in manufacture of extracts, etc., than is needed for extraction or solution of elements contained and for preservation. Sale of any of the articles under (a), (b),

(c), (d) or (f), or extracts or syrups, for beverage purposes, or where seller might reasonably deduce intention of purchaser to use them for beverage purposes, or sale of beverages containing one-half of 1 per cent or more or alcohol by volume in which extracts, etc., are used as ingredients, to subject seller to penalties prescribed in Sec. 30.

Sec. 5. *Analysis of Manufactured Articles.* Commissioner authorized to make analysis of any article mentioned in Sec. 4, to ascertain whether it corresponds to the limitations prescribed; if the analysis shows that it does not, he may summon the manufacturer to show cause why the permit should not be revoked. Decision of Commissioner after hearing to be subject to court review.

Sec. 6. *Permits.* Permits required for manufacture, sale, purchase, transportation or prescription of liquor, except for purchase of liquor prescribed by a physician. Permits for manufacture, prescription, sale or transportation to continue one year, to expire at the close of the calendar year of issuance. Existing permits may be extended. Permits for purchase of liquor to be in force not over 90 days after issuance; such permits to specify the quantity and kind of liquor and the purpose for which it is to be used. Permits not to be issued to any person who has violated any Federal or state liquor permit within one year. Retail permits to be issued only to licensed pharmacists; prescription permits, only to licensed physicians in active practice. Commissioner authorized to require bond of applicants, and to prescribe form of permits, etc. Decision of Commissioner may be reviewed in courts. Provision made for the manufacture and sale of wine for sacramental purposes.

Sec. 7. *Prescriptions.* Liquor not to be prescribed except by licensed physician in active practice, and he shall not prescribe unless he in good faith believes that the prescription will afford relief to the patient from an ailment. Not over one pint of spirituous liquor to be prescribed for any person internally within ten days, and no prescription to be filled more than once. Prescriptions to be endorsed "cancelled" as soon as filled, and records to be kept by both physician and pharmacist.

Sec. 8. *Prescription Forms.* Prescriptions to be on forms prescribed by the Commissioner of Internal Revenue, with stubs containing copies of prescriptions furnished at cost. Books with stubs filled out to be returned to the Commissioner, with unused or defaced blanks.

Sec. 9. *Revocation of Permits.* Commissioner to summon persons holding permits to a hearing in case of complaint under oath charging violation of the bill, or of any state liquor law, or in case he has reason to believe such violation has occurred; and upon establishment of such violation wilfully to revoke the permit, no further permit to be granted to such person within

one year thereafter. Action of Commissioner to be subject to court review.

Sec. 10. *Record of Sales, Etc.* Commissioner to prescribe form of record to be filled out and report to be filed by persons manufacturing, purchasing for sale, selling or transporting liquor, such record and report to state the amount and kind of liquor, the name and addresses of persons connected with the transaction, and the time and place.

Sec. 11. *Records of Manufacturers and Druggists.* Records kept by manufacturers and druggists to contain copies of permits to purchase, for each sale made. Manufacturers and wholesale druggists not to sell except at wholesale, and only to persons who have permits to purchase in such quantities.

Sec. 12. *Labels of Containers.* Manufacturers to attach to all liquor containers a label stating manufacturer's name, kind and quantity of liquor, date of manufacture and copy of manufacturing permit, which label is not to be removed by the wholesaler. Wholesalers to attach to all liquor packages sold by them a label stating kind of liquor, manufacturer's name, date of sale and name of purchaser, which label is not to be removed until liquor is used.

Sec. 13. *Records, Etc., of Carriers.* Carriers transporting liquor to secure permit and record liquor received for shipment, and to deliver only to persons presenting verified copy of permit to purchase. Copy of permit to be made part of carrier's permanent record. Agents of carriers authorized to administer oaths to consignees, who must be identified if not personally known to the agent; name and address of person identifying to be included in record.

Sec. 14. *Deceiving Carrier, Receiving Without Label.* No person to offer liquor for shipment without notifying carrier of nature and character of shipment. Liquors not to be transported by carriers nor received from them unless package is labeled to show name and address of consignor and consignee, kind and quantity of liquor, number of permit and address of person using it.

Sec. 15. *False Statements on Packages.* Consignee not to receive, and consignor or carrier not to deliver, liquor packages on which appear statements which he knows to be false.

Sec. 16. *Switching Names or Fraudulent Consignees.* No person to give a carrier an order for delivery of liquor, with intent to enable any person other than a bona fide consignee to obtain it.

Sec. 17. *Advertisements.* Advertising of liquors by means or method prohibited, except that manufacturers and wholesale druggists may furnish price lists to persons permitted to sell liquor.

Sec. 18. *Formulae, Tablets, Compounds to Make Beverage Liquor.* Advertising, manufacture, sale, etc., of preparations or formulae for use in unlawful manufacture of intoxicating liquor prohibited.

Sec. 19. *Soliciting Orders.* To solicit or receive from another an order for liquor or give information of how it may be obtained in violation of the bill.

Sec. 20. *Civil Damage Action Against Dealer.* Persons injured by intoxicated persons to have right of action against any person contributing to such intoxication by selling liquor or assisting in procuring it. This right to survive in case of death of either party.

Sec. 21. *Nuisances.* Places where intoxicating liquor manufactured, sold, etc., in violation of this title declared a common nuisance, with penalty on persons maintaining such nuisances; fines and costs to be a lien on the premises, if the owner has knowledge or reason to believe his property is being so used.

Sec. 22. *Abatement of Nuisances.* Attorney General or district attorneys or state prosecuting attorneys or Commissioner of Internal Revenue or his subordinates authorized to prosecute suits for abatement of such nuisances, in any court of equity. Temporary injunctions may be issued by the court, or judge in vacation, restraining removal of liquors, etc., as well as continuance of the nuisance. No bond to be required in instituting the proceedings. Finding of actual violation of law not necessary, if material allegations of petition are true. Court may order abandonment of the building, etc., for one year, or may permit owner, etc., to resume control upon giving bond that no liquor will thereafter be manufactured, sold, etc., on the premises.

Sec. 23. *Fee of Officers for Selling.* Officers entitled to same fee for removal and sale of property under the bill as sheriff of the county for selling property on execution, besides a reasonable sum for closing premises and keeping them closed. Violation of this title on leased premises to work forfeiture of lease, at option of lessor.

Sec. 24. *Contempt Proceedings.* Violation of injunctions punishable by fine of not over $1,000 and imprisonment from 30 days to one year; court to have power to enforce injunctions.

Sec. 25. *Searches and Seizures—Property Rights in Liquor.* Possession of liquor or property designed for manufacture of liquor contrary to this title prohibited; no property rights to exist in such liquor or property. Search warrants to issue as provided in Title XI of the Espionage Act (40 Stat. 228-230), and property seized to be subject to disposition as the court may order. Liquor and property designed for unlawful manufacture of liquor to be destroyed. Private dwellings not to be searched unless used for unlawful sale of liquor, or used in part for business purposes. Rooms used exclusively for

residence purposes in hotels and boarding houses are considered private dwellings.

Sec. 26. *Seizure of Vehicles.* Vehicles discovered transporting liquors contrary to law to be seized by the officer discovering them, and the person in charge arrested and proceeded against. Vehicles to be returned to owner upon sufficient bond. Liquor to be destroyed on conviction, and vehicles sold and proceeds paid into the treasury, except fee for seizure and expenses and bona fide liens, unless the owner can show ignorance of the purpose for which the vehicle was used. Unclaimed vehicles to be advertised for two weeks before sale.

Sec. 27. *Disposition of Seized Liquors.* Seized liquors, instead of being destroyed, may, by order of the court, be delivered to any government agency for medicinal, mechanical or scientific uses, or may be sold to persons having a permit to purchase.

Sec. 28. *Powers of Officers.* Revenue and other officers charged with enforcing criminal laws to have same power for enforcing this bill as for enforcing any Federal law concerning manufacture or sale of intoxicating liquor.

Sec. 29. *Penalties.* Various penalties prescribed for different violations of this title, with distinctions between first and subsequent offenses. Penalties do not apply to persons who make non-intoxicating cider and wine for their own use in home.

Sec. 30. *No Person Excused From Testifying.* No person to be excused from testifying on ground that his evidence would tend to incriminate him; no natural person to be prosecuted on account of testimony given, except for perjury.

Sec. 31. *Venue.* Sale and delivery of liquor delivered by carriers to be deemed to be made in county or district where sale or delivery was made, or through which shipment was made; and prosecution may be had in any such county or district.

Sec. 32. *Affidavits and Indictments.* Separate offenses may be united in separate counts and tried at one trial. Name of purchaser or negative averments not required in indictment, etc., but allegation that act was prohibited and unlawful sufficient.

Sec. 33. *Possession of Liquor.* Possession of liquor after February 1, 1920, by persons not legally permitted, to be prima facie evidence of intent to violate this title. Persons permitted to have liquor within ten days after amendment becomes operative state to the Commissioner of Internal Revenue the kind and amount of liquor in their possession. Possession of liquor in private dwellings not to be unlawful and not required to be reported, but such liquors must be used for personal consumption of the owner, his family and guests; burden of proof to be on possessor to prove that it was lawfully acquired, possessed and is non-intoxicating.

Sec. 34. *Publicity of Records.* Records of manufacturers, druggists, physicians and carriers to be subject to inspection by Federal and state officers or by designated persons. Copies to be competent evidence in any proceeding in which the original would be competent.

Sec. 35. *Repeal—Tax on Illegal Sales.* Only inconsistent provisions of law repealed. Liquor tax stamps not to be issued in advance, but on evidence of illegal manufacture or sale double the present tax to be assessed, with a penalty of $500 on retail dealers and $1,000 on manufacturers; payment of such tax and penalty not to give any relief from criminal liability. Commissioner of Internal Revenue, with approval of Secretary of the Treasury or Attorney General, authorized to compromise suits.

Sec. 36. *Constitutionality.* Invalidity of any provision of the bill not to invalidate any other provision.

Sec. 37. *Storage of Liquor, Near-Beer, Etc.* Storage of liquor, manufactured prior to taking effect of the bill, in United States bonded warehouses, and transportation after tax paid for purposes authorized, not prohibited. Manufacturers of beverages containing less than one-half of 1 per cent of alcohol may be permitted to develop liquid with a greater alcoholic content, upon giving bond to reduce the content below one-half of 1 per cent. Alcohol removed to be subject to the same law as other liquors, if saved; if evaporated and not saved to pay no tax. Beer, etc., containing less than one-half of 1 per cent of alcohol by volume not included in intoxicating liquor, but sale for beverage purposes under such name prohibited; burden of proof on seller to show that alcoholic content less than one-half of 1 per cent.

Sec. 38. *Employment of Clerks, Etc.* Commissioner of Internal Revenue and Attorney General authorized to employ, under the Civil Service Act, with preference to persons in military or naval service during the recent war, such assistants, clerks, etc., as may be necessary for the enforcement of the bill, so much money as necessary being authorized to be appropriated for the purpose.

Sec. 39. *Service of Summons on Owners of Property.* Summons to be served personally on persons whose property is affected in any case but who have not personally violated the law, if such persons are to be found within the jurisdiction of the court.

THE ANTI-BEER LAW

The act supplemental to the National Prohibition Act, commonly known as the Anti-Beer law, was

approved by President Harding on November 23, 1921. The provisions of this law may be summarized as follows:

Sec. 2. Only spirituous and vinous liquors may be prescribed for medicinal purposes. Vinous liquor prescribed must not exceed twenty-four per cent alcohol, and not more than one quart of it may be prescribed for the use of any one person in any ten day period. Spirituous or vinous liquors prescribed must not contain more than one-half pint of alcohol for any one person in any ten day period. No physician shall be furnished with more than one hundred prescription blanks for use in any period of ninety days.

Sec. 3. This law and also the National Prohibition Act apply not only to the United States, but to all territory subject to its jurisdiction.

Sec. 4. Persons violating the provisions of this law shall be subject to the penalties provided in the National Prohibition Act.

Sec. 5. Liquor laws in force when the National Prohibition Act was adopted and not in conflict therewith, shall continue in force.

Sec. 6. It is made unlawful for any United States officer to search any private dwelling without a search warrant, under penalty of a fine of one thousand dollars, or a year's imprisonment, or both. Similar penalty is provided for any person who falsely represents himself to be an officer of the United States.

VII. ENFORCEMENT OF NATIONAL PROHIBITION

PROHIBITION UNDER THE SPOILS SYSTEM[1]

Although President Wilson was personally friendly to the [Civil Service] reform, his official action was for a long time reactionary. Congress excepted many places in the Internal Revenue, Federal Reserve, Trade Commission, Agricultural Credits and other branches of the service, and the President approved the bills. The administration of the law became lax. In his second term President Wilson did indeed provide for competitive examinations of presidential postmasters in vacancies caused by death, resignation or removal, but these embraced only about 10 per cent of the whole and the remaining 90 per cent still continued to be political spoils. Among the reactionary exceptions from competition made by the Democratic Congress (though this was without President Wilson's approval) was the Bureau for the Enforcement of the Volstead Act, and this exception was most disastrous. It inaugurated an era of corruption in this branch of the service unheard of even in the worst days of spoils politics. Every important appointment was the political booty of some congressman, often a spoilsman of the lowest type, and hundreds of these appointees (and perhaps also some of their congressional backers to whom they owed their places) have grown fat on the bribes received from bootleggers and other miscreants engaged in defying the law.

Under President Harding there was no improvement in the situation in regard to the civil service. Politics

[1] By William Dudley Foulke, president of the National Civil Service Reform League. Current History. 19: 368-70. December, 1923.

remained the dominant factor in controlling appointments outside the classified lists. Will Hays, who attempted to stem the tide of plunder in presidential postmasterships, retired and under his successor, Dr. Work, the political manipulation of the rule of three established by the President has been developed to such an extent that it has led to the political reconstruction of these important offices, Democrats being replaced by Republican politicians. An onslaught by the spoilsmen was made last year in other places, for instance, the Customs Service and the Bureau of Engraving and Printing. It did not entirely succeed, but in many branches of the government the spoils system is still strongly entrenched and most disastrous of all in the Prohibition Enforcement Bureau and in certain places in the service of the Department of Justice, where, under Mr. Daugherty, himself an advocate of political patronage, the Eighteenth Amendment and the Volstead Act have been flouted by those whose sworn duty it was to enforce it. [sic]

Enforcement by Criminals

President Harding's Administration found the Enforcement Bureau filled with Democratic spoilsmen, many of them criminals, who have since been indicted and some of them convicted, but instead of changing the system and making these appointments non-political, the same methods were continued. Democratic malefactors were turned out and Republican malefactors were put in their places as part of the recognized plunder of Republican congressmen. There never was a time when the straight and clean path of merit and duty as marked out by the competitive system and carried into effect, for instance, by the Department of State, contrasted more strongly with the slimy trail of the spoils serpent as shown in the infamous corruption in the Prohibition Enforcement Bureau under the Volstead Act, which made all places in its field service the loot of senators and representatives. Among these employees indict-

ments and convictions have constantly followed each other for months and years in dreary succession, until President Harding himself declared that the violations of the Volstead law had become a national scandal. Great fleets of rum runners and innumerable automobiles on the Canadian border import vast quantities of liquor every day, and so greatly have our people become disgusted by the orgy of law-breaking which this corruption has stimulated that vast numbers who supported the bill when it passed are now seeking its repeal or radical modification.

These scandals can be largely traced to the conduct of the officers and representatives of the Anti-Saloon League in thus letting spoilsmen in Congress have all the plunder they demanded without any remonstrance. The secretary of the Anti-Saloon League wrote me on December 18, 1922:

> Many Congressmen who are friends of prohibition, and many others who had influence with Congressmen, took the view that a Civil Service provision would have eliminated a number of old internal revenue officers who, they believed, would make better enforcement officers because of their experience in dealing with the liquor crowd. Most, and probably all, of the Anti-Saloon League people did not agree with that viewpoint, but it would have been useless to have opposed it at that time, and for that reason you did the Anti-Saloon League an injustice by giving the impression that the officers of the League were opposed to a Civil Service provision.

It was not true that civil service provision would have eliminated old internal revenue officers who would make better enforcement officers because of their experience in dealing with the "liquor crowd." No civil service rules on this subject had been devised at all and there is no reason whatever to believe that the Civil Service Commission would not have given credit in their rating for the successful experience of these officers. The claim was fictitious and was urged to secure patronage for these congressmen. When the secretary of the Anti-Saloon League says "the Anti-Saloon League

people did not agree with that viewpoint," what does that mean? It means that the league knew that thus consigning the appointments to Congressional patronage was wrong, yet they actively supported a bill with this immoral provision and acquiesced in the proviso that these places should be the spoils of politicians. I do not believe that their opposition would have jeopardized the bill. Congressmen might have said so, but it was not true. Nobody is more cowardly than the senator or representative intent upon getting patronage. He may roar loudly and thunder at first; but in the end he will do what he thinks his constituents want, and the league says the vast majority of the people wanted the Volstead Act. The bill would have been passed by these same congressmen without this spoils clause, if they had had no other alternative. A little courage and insistence on principle might well have secured its omission. The time-serving representatives of the league did not have either of these qualities, but let the spoils clause go through without remonstrance, which even if ineffectual, would have vindicated what they now say were their convictions. They went on and urged the passage of the bill with this provision in it and permitted these recalcitrant congressmen to be paid for their votes by putting in their hands the patronage of these extremely lucrative offices, which have now become the more lucrative by bribery in condoning violations of the law.

Anti-Saloon League's Failure

The representatives of the league who counseled this course and became parties to it prostituted the trust confided to them by the churches and by the great mass of prohibitionists throughout the country whom they claim to represent. The best thing now for the league would be to repudiate the unfaithful servants who took part in this inquiry and, having thus plucked the beam out of its own eye, to insist that every place-holder in

the Enforcement Bureau from top to bottom, including the state directors, give up their present political tenure and be eligible to remain in office only if they can show that in open competition with all others in tests requiring not only knowledge, but character and a clean record, they are the best qualified.

The present proposal of the Anti-Saloon League, made by its executive committee at its recent meeting at Westerville, Ohio (which is indeed a tardy confession of the wrong it committed when it helped to keep these agents out of the civil service), would fail utterly to accomplish any improvement. They say that "Federal prohibition agents should be placed under civil service and retained in office not because of political qualifications but because of fitness for the task." When did they find this out? When did the new light dawn upon them that they made a mistake in letting the politicians have the spoils? The bill which at the last meeting of the National Civil Service Reform League Mr. Wheeler said the Anti-Saloon League was sponsoring (Senate bill 3247), provides that all the miscreants introduced into this service by congressional spoilsmen and still in office, should be transferred to the classified service and "the incumbents continue as of their present rates and grades of compensation without further examination." If, as the advocates of the spoils system claim, it would be harder to get men out of the classified service than out of the unclassified service, this would only perpetuate the evils that now exist; these lawbreakers would become more permanent in their places than they are today. But even by including places in the classified service this bill does not go half way as a professed measure of reform. All positions of executive officers who have immediate direction of the enforcement of the act and of persons authorized to issue permits, including those of the executive officers employed under the Commissioner and the directors, are still to be kept

as spoils. But it is in these very places that the greatest corruption exists today. That would remain, and it would infect the whole body. The only remedy is a complete reorganization with civil service tests of fitness to be applied to all, to the highest as well as to the lowest, and to those now in the service as well as to those who may seek admission hereafter.

OBSTACLES TO ENFORCING THE VOLSTEAD ACT [1]

Effective enforcement of prohibition throughout the country hinges on the question whether the right kind of officers under the right kind of control are to be responsible for administering the Volstead Act or whether the present reign of corruption is to be permitted to continue. Unfortunately, when the Volstead Act was referred to the House Judiciary Committee, the section relating to the civil service was amended and then resubmitted to the House in the following form, the amendment being shown in the words in italics:

> Section 38—The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks and other employes *in the District of Columbia or elsewhere,* and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this act, but such assistants, experts, clerks and other employes, *except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of this act, and persons authorized to issue permits, and agents and inspectors in the field service,* shall be appointed under the rules and regulations prescribed by the Civil Service act.

These amendments left the clerical and other unimportant positions under the civil service law, but exempted from its operation all the administrative officers

[1] By Imogen B. Oakley, chairman of the Civil Service Division, General Federation of Women's Clubs. Current History. 19: 371-4. December, 1913.

upon whose zeal, ability and integrity the ultimate success of the act must depend. The President vetoed the act, but it was passed over his veto by a decisive majority. Public opinion gave it loyal support and its first successes disarmed criticism. There is no need to repeat once more the many and varied benefits that followed prohibition. These benefits have been remarkable from the standpoint alike of health, of material welfare, and of moral and social progress. But amid all this prosperity and general improvement has arisen a sinister figure, the bootlegger, and with him what is even more menacing to public law and order, the politically appointed enforcement agent, who is the bootlegger's protector and ally. During the past two years, owing to their connivance, wine and whisky have been easily obtained by those able to pay the price, and "hooch" is on tap for every man who knows where to look for it. Alcoholic wards in the hospitals are once more filling up, and the police courts are again busy with "drunks." There is a growing feeling that prohibition agents are playing politics. The loyal support given at first to the Volstead Act is changing to popular discontent. Men of prominence in the community are saying that the law has become a farce and that they intend to buy whisky when they feel like it. The gilded youth of fashionable society publicly boast of the contents of their hip flasks.

My first authentic information of the immunity which a "hooch" vendor may enjoy came from a woman who had happened to be in my audience at a college settlement talk in Philadelphia. Her next door neighbor, she said, had a still and was selling gallons of liquor every day. "The police know all about it," she added, "but nothing is done to the man. Won't you try to have the place closed up!" When I repeated the story to the chief enforcement agent of Philadelphia and asked what he could do, he replied: "I am afraid I cannot do much. I am badly handicapped. One-third of my subordinates are untrained and incapable. They have no idea how

to make a report and I cannot rely upon any information they bring. Another third, I have reason to believe, are former saloonkeepers and bartenders whose object is to make the law unpopular and incidentally to fill their own pockets. The remaining third are dependable men. With only one-third of my force really available I cannot do more than one-third of my work. And the worst of it is that I am compelled to take every man no matter how incapable who is sent by an influential politician, and I dare not discharge any man, no matter how inefficient, if he has an influential politician behind him. I used to be luke-warm over civil service rules, but now I am red-hot."

The number of employees in the prohibition unit who were not under civil service rules on June 30, 1922, was twenty-one hundred thirty-two. The number of dismissals from this group in the year from June 30, 1921, to June 30, 1922, was one hundred twenty, or approximately 6 per cent of the whole force, and the grounds for dismissal, according to the report of the Bureau of Internal Revenue, were conduct unbecoming an officer, extortion, acceptance of bribes, falsifying accounts and general inefficiency. This 6 per cent may with fairness be doubled to include the incompetent and corrupt officials who were able to retain their positions through the same political influence by which they had obtained them. Twelve per cent it may be claimed, is not an excessive proportion to go astray, but it is enough to bring discredit on the cause of prohibition and to give aid and comfort to its enemies.

The McConnell case, which has so lately stirred Pennsylvania to its depths, is a conspicuous example of the conditions which tend to nullify the law. William McConnell was made chief enforcement officer for Pennsylvania through the influence of the late Senator Penrose. His actions soon awakened the suspicions of T. Henry Walnut, an astute and conscientious Assistant District Attorney, who did some quiet detective work,

and in due season was able to inform the Department of Justice in Washington that he had in his hands the proofs of a conspiracy to defraud the government and was prepared to lay them before the Grand Jury. The department counseled him to wait. At the next session of the Grand Jury Mr. Walnut again announced his readiness to proceed, and was again advised to wait. In his third letter to the Attorney General Mr. Walnut said that any further delay would be prejudicial to the case, and that he intended to lay his evidence before the Grand Jury at once and ask for an indictment against McConnell and forty-eight fellow-conspirators. The reply from Attorney General Daugherty was a request for Mr. Walnut's resignation. Popular indignation in Philadelphia rose to fever heat. A duly appointed committee made a formal demand upon Attorney General Daugherty for the reasons for Mr. Walnut's forced resignation. The official reply was that Mr. Walnut was an able and conscientious officer against whom there was no complaint, but that he had been "in office long enough," and that the case was closed.

Six months later the District Attorney, using the material that Mr. Walnut had collected, secured an indictment against McConnell and his forty-eight fellow-conspirators, and a year after Mr. Walnut's dismissal the case was brought to trial. The trial was halted by a charge brought against the foreman of the jury of having accepted a bribe. A new jury was selected and three of the conspirators, becoming frightened, pleaded guilty and threw themselves on the mercy of the court. The attorneys for the government then arose and informed the judge that fifty-six of the sixty pieces of documentary evidence upon which they relied for conviction had been "lost." The judge directed the jury to acquit the defendants; those who had pleaded guilty were instructed now to change their plea, and McConnell and the forty-eight conspirators walked out of the court room technically innocent men.

McConnell himself remained unperturbed during all these proceedings. He had such confidence in the political power behind him that in the interval between his indictment and trial he announced himself a candidate for the next legislature. The Philadelphia papers called the McConnell acquittal a national scandal and the most sinister event in the political history of the state, and they all united in demanding that the whole prohibition service be taken out of politics.

There is only one way in which the prohibition question can be removed from the influence of party politics, and that is to place the entire prohibition service under the protection of the Federal civil service act. Promptly on the passage of the Volstead Act over the President's veto, the National Civil Service Reform League prepared a bill to nullify the exemption clause and replace enforcement officers in the classified service, and with the cooperation of Senator Sterling, chairman of the Senate Committee on Retrenchment and Civil Service Reform, and Representative Tinkham in the House, it was brought before both houses of Congress. It received the endorsement of the General Federation of Women's Clubs and the National League of Women Voters, but when the 67th Congress finally adjourned it had not been reported out of committee. The entire bootlegging industry of the country lined up against the bill, but its most formidable opponent was the Anti-Saloon League. Mr. Wayne B. Wheeler, counsel for the league, objected to placing enforcement agents in the classified service for three specific reasons:

(1) It is an absolute necessity that enforcement agents be prohibitionists by conviction and in practice, and under the impersonal civil service law there can be no guarantee they will meet this requirement.

(2) Agents who have to do with search and seizure are obliged under the civil service law to have a certain knowledge of law and to show two years' experience,

either of which requirements might prevent the appointment of a man otherwise specially fitted for the work.

(3) It is vitally necessary that agents who show themselves inefficient or dishonest, or who ally themselves with bootleggers, should be instantly dismissed, and under the civil service law it is extremely difficult, if not impossible, to get rid of incapable or corrupt employees.

The advocates of the Sterling-Tinkham bill have an answer for each of these objections:

(1) Candidates for office in the classified service are required to prove their fitness for the office desired, and the most important elements of fitness are belief in the law to be administered and the intention to obey it. These might well be made requirements for an examination for these positions. Moreover, each candidate is required to give the names of five well-known and respected citizens who will certify the candidate is and always has been, to the best of their knowledge and belief, a reputable and law-abiding man, and with this requirement it is highly improbable that any former saloon keeper, ex-criminal or any man known to be intemperate in his habits could qualify. The successful administration of the Harrison Anti-Narcotic Act is an irrefutable proof of the ability of the civil service system to provide enforcement officers of special training and integrity who are enforcing the law with a minimum of difficulty and scandal.

(2) It must be remembered that since prohibition enforcement agents are exempt from the civil service law the United States Civil Service Commission has made no rulings concerning them. Hence what it might or might not rule should the Sterling-Tinkham bill become a law can only be a matter of conjecture. Officers having to do with search and seizure in other units of the Internal Revenue Department are required to have a certain knowledge of law, and considering the illegalities

and absurdities into which the prohibition search and seizure officers have been betrayed from their lack of knowledge of law, this would seem to be a very necessary requirement. No candidate for any position in any unit of the Internal Revenue Department, however, is obliged to show more than one year's experience. Mr. Wheeler's assumption that a prohibition agent would be obliged under the Civil Service law to show two years' experience is therefore based neither upon logic nor fact.

(3) The fundamental rule for the whole classified service is that any inefficient or otherwise unsatisfactory employee may be dismissed at once and without appeal. The chief of any government office or bureau is distinctly authorized to suspend upon the spot for ninety days any one of his subordinates and then give in writing the reasons for dismissal, and an opportunity to answer them, but there is no trial and the removal may be made at the pleasure of the chief. In point of fact, it is only in the classified service that an inefficient or untrustworthy employee may be promptly dismissed, for under the system of political patronage no one can be discharged so long as he can use political influence.

Although an opponent of the Sterling-Tinkham bill, Mr. Wheeler has publicly admitted the lamentable results of the political control of the prohibition unit. In a recent magazine article he says: "Political influence has been a great barrier to efficient enforcement. Many officers and agents in the Law Enforcement Department were appointed through political influence quite apart from any interest in prohibition. The incoming administration can increase the efficiency of the department . . . by removing the drones and derelicts who were put there by political influence."

No one, not even the most ardent supporter of the merit system, claims that to put enforcement officers under civil service rules will make them all incorruptible saints, nor does any one believe that the non-political

enforcement of the Volstead Act will at once turn every citizen of the country into a law-abiding prohibitionist. If, by divorcing it from politics, the Volstead Act can be made genuinely effective, in a few generations bootlegging and drinking will be as much under the social ban as theft and murder. Whisky will undoubtedly continue to be sold in the haunts of criminals, and bootleggers will ply a precarious trade in evil places, but no man in decent society will vaunt his defiance of the law, nor will the gilded youth boast of the contents of their hip flasks. It will have ceased to be respectable.

THE POWER OF MONEY [1]

The ease and quickness with which fortunes could be made accounted for persistent succumbing of state directors and their offices to temptation.

The New York and the Pennsylvania offices have changed control six times in the past three and a half years. Each has had one director and numerous subordinates indicted for fraud in connection with permits.

Coupled with the temptation of extraordinary sums of money there were political influences of importance. The value of the office of the state director of prohibition as a political asset was soon demonstrated. It could control numerous highly desirable appointments, could afford protection to favored persons and provide permits in payment of political debts, and, what was still more important, could collect unlimited sums of money for campaign purposes.

Control of the office was eagerly sought by political leaders. The Republican leaders were alive to those considerations, and their original selections both in New York and Philadelphia were of men prominent in political life,—Judge Harte and Senator McConnell. Neither one lasted more than a few months and both were indicted

[1] By T. Henry Walnut. Annals of the American Academy. 109: 205-6. September, 1923.

within a year from the date of their appointment for the fraudulent issue of permits, and in both cases there was a persistent rumor that the money collected on the permits was intended in part at least to be applied to important political purposes, one of which in Pennsylvania was the accumulation of a fund of great size for the election of a governor in the following year.

However true the specific rumors may have been as to the political reasons involved, it is undoubted that enormous quantities of liquor were withdrawn from the distilleries upon fraudulent permits and that enormous sums of money were paid for the permits. The permits so issued by the Pennsylvania office in a period of sixty days called for seven hundred thousand gallons of whisky and alcohol. The corruption fund arising from these papers must have run close to $4,000,000, which price was added to the cost of the liquor that was withdrawn and bootlegged.

The power of money in such amounts to interfere with the customary processes of justice is a matter of grave concern. Moreover, when an investigation was made in 1921 into the operations of the prohibition office and of the liquor dealers who operated through it, the number of persons directly involved was disturbing and the ramifications of the business reached into all quarters of the state. In the foreground of the picture were five or six dealers, who within a year had lifted themselves from very moderate circumstances to a position of wealth. They had purchased one distillery after another which they proceeded to clean out on fraudulent permits. Back of them were smaller dealers, wholesale and retail, and a vast number of drivers and general aids and assistants, and finally the purchasers themselves, who were a trifle proud of their ability to buy liquor.

There were prohibition officials directly involved and a procession of names of men occupying the most responsible positions in the state and nation, some of whom

were so closely connected as to be just on the edge of prosecution.

PROHIBITION INSIDE OUT [1]

Commissioner Haynes of the Prohibition Enforcement Bureau, who used so willingly the clause in the Volstead Act making political plunder of the field service of his unit—who turned out with such alacrity the Democratic scoundrels he found in office and appointed on the recommendations of Republican congressmen and politicians an equal number of Republican scoundrels in their places—men who have made his service a by-word of corruption and inefficiency—this man now publishes what he would have us believe is a fair account of the conduct of the prohibition enforcement service. For a long time his policy had been one of concealment and of insisting that all was going well. I heard Mr. Haynes in August, 1922, in a speech at a Quaker reunion in my own town of Richmond, declare that his employees were "as high-type a force as was found in the government service," and condemn as "wet" propaganda all disparagement of their work.

On November 15, 1922, in testifying before the house committee on appropriations, he said, "We feel much gratified at the present functioning of our machinery." Even as late as last June, Mr. Haynes declared in his report that his force was acting *at a maximum efficiency* under a limited appropriation! Instead of warning the friends of law and order to be on their guard, the effect of this was to lull them into false security. The unwarranted claims of satisfactory enforcement aided the violators of the law to get beyond control. The passing back and forth of the rum-running fleets which once moved under cover, tells the story.

[1] By William Dudley Foulke. National Municipal Review. 13: 10-14. January, 1924.

On October 4, 1922, the commissioner issued an official statement that the office of the prohibition officer in New York state was in excellent condition though that office was then being investigated by a Federal grand jury which reported on October 27 that it had been conducted in a disgraceful manner, and six of the enforcement officers and twenty-seven of their dependents were indicted for conspiracy for violating the Volstead Act. The grand jury say in their report:

> Apparently the agents selected for active work of suppressing illegal traffic in whiskey have been chosen principally for political reasons, when it was necessary to select men for this work who are worthy of confidence and of such stable character that they would not yield to the temptations to which it was well understood they would be subjected.
>
> These appointees, being exempt from the civil service laws, were appointed and removed without the restrictions which those laws impose, and consequently the office seems to have been made the dumping ground for influential politicians who secured appointments for their henchmen without proper regard for the qualifications of those chosen.

A little later, District Attorney Hayward, quoted in the New York Tribune of December 30, 1922, said that the first knowledge in his office of a great conspiracy came a few weeks previously from a volunteer witness, though the office of the New York prohibition director had most of the facts as early as June and did not see fit to turn them over for prosecution. A chronology of the notorious violation of the laws disclosed by the newspapers presents an appalling array of crimes.

The commissioner has at last awakened from so much of his pipe dream as led him to tell us, and perhaps to believe himself, that all was going well. Concealment was no longer possible and it became necessary to confess that violations of the law were widespread and dangerous. But still he insists that this is the fault of others—of lax enforcement by state and local officials and of general wickedness. That his own force of corrupt spoilsmen was at the bottom of the lawlessness—this he is still unwilling to confess.

In his twenty-first installment of Prohibition Inside Out, published in the Times, he thus refers to the derelictions in his own service:

> Within the enforcement organization we count the cost of the names of our men, dishonest, weak men and *few in number*. . . In mercy to the weak I refrain from turning the page which would reveal the names of those who are fallen by the wayside. . . As the result of temptation in scores of forms and unceasingly offered, forty-three officers of the prohibition unit have been adjudged guilty by the courts since the beginning of the administration. *Even so, the force was 99 per cent honest.*

A more outrageously disingenuous and misleading statement it would be hard to conceive. Because only 1 per cent had been *actually convicted,* therefore 99 per cent were honest! Does Mr. Haynes know the percentage of convictions in other crimes? The report of the committee of the Bar Association at Minneapolis tells us that last year in New York two hundred and sixty murders were committed and three convictions were obtained! This was 1.15 per cent of the murders actually committed, yet here was a crime where the moral force of the community would be in favor of conviction. In respect to the liquor law public opinion is often adverse and the proportion of violations which escape punishment must be very much larger. It is safe to say that the crimes committed by prohibition agents excede by many times the number of these agents, a single man often committing scores of them. In his very next article Mr. Haynes says the number of corrupt *state* officers is large and "those who have been caught are doubtless but a fraction of those who are guilty," yet he would have us believe that he has caught and punished all the guilty in his own service and that 99 per cent of his own subordinates are enforcing the law! We know from what we see daily around us, that immense quantities of liquor are illegally sold every day with the connivance of prohibition officials. And yet Mr. Haynes says, "Of real corruption the per cent stands at about ½ of 1 per cent." Mr.

Haynes, if you believe this, you are deceiving yourself and the rest of us can no longer credit what you say. You tell us of the forty-three convictions. But you say nothing of the "almost numberless cases" mentioned by President Harding in which "immediate dismissal" was necessary. Why are you silent on the Rhode Island service which had to be reorganized from top to bottom? Why do you tell us nothing of the service in New York where one director after another, with his chief subordinates, left the service with the marks of infamy upon his brow? Why nothing of Pennsylvania, where subordinates were actually dismissed by those higher up because they tried to enforce the law? Why nothing of Montana, Wisconsin and elsewhere where your chief officers were faithless to their trust? I appeal from your misleading statistics to the common consciousness of the country that a great proportion of your service is rotten to the core.

Of course you have some good men in it, men who have resisted enormous temptations, among them your roll of martyrs, as you call them, thirty cases you say, who have been slain in the prohibition service. The memory of these men deserves all honor at the hands of their countrymen, though it is a little hard to understand how such a case as that of John T. Foley, killed by the accidental discharge of his own gun, can be regarded as an instance of voluntary martyrdom.

These things continue and grow down to the present time. On July 1, 1923, Commissioner Haynes dismissed, in New York, eighteen prohibition agents because they were "non-producers." But the new appointments to fill their places were filled by the same political methods which created this non-production. On the same day dispatches from Chicago brought word that Roscoe C. Anderson, prohibition director, and John E. Easley, his chief agent, and nine others had been indicted for distributing among stockholders $200,000 worth of liquor stocks, and the Chicago district attorney then announced

that charges of perjury against half a dozen agents would be brought before the next Federal grand jury.

Leon Ackerman and George Arnold Fugitt, agents attached to the District of Columbia force, were held under a bribery charge. Ackerman recently declared he had been the victim of a "frame-up" by other prohibition agents. We need not decide the equities between these worthy gentlemen. One way or the other the guilt lay with members of this disreputable body.

In Mr. Haynes' Prohibition Inside Out we have many edifying cases of temptation resisted, of bootleggers skillfully entrapped, of attempted bribery foiled by the efforts of the faithful. As the parties are not named, the stories cannot be verified or disproved, and we do not hear of the cases where the bootleggers *succeeded* and the bribery *prevailed*. He talks, for instance, of the *pretence* of influences in district attorney's offices and elsewhere, protecting violations of the law, not of the *real* influences which for a long time actually prevailed. His articles reminded me of a story by Charles O'Conor, the eminent lawyer, once engaged in the prosecution of Tweed and his fellow conspirators. A member of the New York ring once said to him, "They are very disagreeable, these damned lies that the newspapers publish." "Yes, they must be very disagreeable," said Mr. O'Conor, "these damned lies that the newspapers publish, but I would not think that would be what *you* would find most disagreeable. I should think it would be the damned *truths* the newspapers publish which you would find objectionable, sir." So it is not the *pretended* influences of which Mr. Haynes had the best right to complain, but the real influences which have prevailed.

But in spite of his desire to make them as small as possible, Mr. Haynes' account itself shows the enormous number of law violations. Take, for instance, the importations from the Bahamas. He says that in 1918 there was only wine of the value of 8,675 pounds sterling and spirits of 6,370 pounds, but last year the wine was over

27,000 pounds and spirits over 100,000 pounds. The traffic from St. Pierre, he says, has been enormous, the natives becoming rich out of these profits. He tells of the traps and vaults for storing liquor, covered with soil, whence it is conveyed at night by trucks for shipment in cars loaded with vegetables and destined to be lost in transit. He tells us of farmers who have not raised a hundred dollars' worth of produce in years who now have fine touring cars; he tells of wild parties of rum runners in which women participate. He tells us of a *possible minimum* of one million and half gallons of importations for 1922; of the twenty-nine vessels which were seized and forty motor boats. He describes the wholesale smuggling at Detroit; the wholesale importations from Montreal across the New York border; he declares that Canada received many millions in taxes from these importations. He describes the highjackers who rob and murder the bootleggers—the piracy which he says is rampant from the Carribeans to Newfoundland as well as in the Great Lakes and Puget Sound and Mexico. He talks much of protection of bootleggers by officials, but he gives his illustrations from the officials of different *states* and *cities* and *not from his own subordinates*. He seeks to divert us from a contemplation of present infamy by golden promises of future performances. Conditions may be bad today, but he endeavors to inspire faith by predicting the most satisfactory enforcement of prohibition in times to come. But was it not St. Paul himself who once defined faith as the "substance of things hoped for, the evidence of things *not seen*"? Was it not Alexander Pope who said: "Man never *is* but always *to be* blest"?

Unfortunately we have no better means to gauge the future than by the past. The prohibition bureau has already been in operation over three and a half years. Have violations of the law increased or diminished during that time? Mr. Haynes tells us in his articles that

the general decrease in arrests, prosecutions and convictions for crime, in general, and especially for drunkenness is evidence that the Volstead Act has benefited the world. The decrease in prosecutions, he says, shows a great gain.

What, then, shall be said of the report of the Attorney General to the President, in regard to the *enforcement of the Volstead Act itself*, which tells us that during the forty-one months' period since that act was passed, each year has brought an *increase* in prosecutions and convictions; that there have been at least ten thousand more convictions this year than last and fifteen thousand more than the year before? These figures, he says, not only show the rapid increase of prohibition cases but also indicate a stricter enforcement of the law. A more recent report of the Attorney General shows that the increase in convictions was even greater than that stated above.

Now if according to Mr. Haynes, *diminished* arrests and convictions show improvement as to *other* laws, does not an increase in convictions for violations of the Volstead Act show that conditions in regard to its enforcement are growing worse? The Attorney General tells us that the average of the last fiscal year is more than three times that of the first fiscal year. If these things mean merely increased vigilance in prosecutions, then what becomes of Mr. Haynes' argument that fewer arrests, prosecutions and convictions mean fewer crimes? Do they mean merely diminished vigilance? His argument cannot work both ways. The inevitable inference is *that violation of the enforcement act are increasing day by day and month by month and that the failure of the bureau to enforce the law under the spoils system is becoming each year more apparent.*

The only possible chance for an amelioration of present conditions in the Prohibition Enforcement Bureau is to provide that *every place* under the commissioner, from the top to the bottom, shall be included in

the classified service and that examinations shall be held, *not only for new appointments,* but in regard to the places which are held so largely by men who are now violating the law; that the men now holding these places be required to compete with other applicants, and that a thorough investigation be made by the civil service commission as to the character and integrity as well as the other qualifications of all who apply.

WET AROUND THE EDGES [1]

We have had prohibition four years. And the country is still 38⅓ per cent wet, according to the Attorney General's office. Bootleggers and smugglers thrive in the United States because politics has made the game easy for them.

The accompanying map is the basis for the above statements about non-enforcement of the Volstead Act. This map was prepared by Mrs. Mabel Walker Willebrandt, Assistant Attorney General of the United States, and the one person in private or public life best qualified to express an intelligent opinion on the degree of non-enforcement. Mrs. Willebrandt is in charge of all prohibition matters in the Attorney General's Office. The blacker the spot on the map, the wetter the state is. Prepared by Mrs. Mabel Walker Willebrandt, Assistant Attorney General, the map shows the degree of non-enforcement in each part of the country. The detailed figures of non-enforcement are as follows:

State	Per cent	State	Per cent
Alabama, north	10	Delaware	75
Alabama, south	25	Florida	75
Arizona	20	Georgia, coast	90
Arkansas	20	Georgia, interior	20
California, north	85	Idaho	5
California, south	30	Illinois	65
Colorado	15	Indiana	40
Connecticut	80	Iowa	10

[1] By Jack O'Donnell. Collier's Weekly. 73: 5. January 26, 1924.

MAINE
NEBRASKA
COLORADO
ARIZONA NEW MEXICO

State	Per cent
Kansas	5
Kentucky	50
Louisiana, north	25
Louisiana, south	90
Maine	20
Maryland	75
Massachusetts	75
Michigan	50
Minnesota	50
Mississippi, north	30
Mississippi, south	60
Missouri	40
Montana	50
Nebraska	10
Nevada	15
New Hampshire	60
New Jersey	80
New Mexico	20
New York, south	95
New York, north	60
N. Carolina, coast	70
N. Carolina, interior	15
North Dakota	50
Ohio	20
Oklahoma	10
Oregon	50
Pennsylvania	70
Rhode Island	75
S. Carolina, coast	60
S. Carolina, interior	15
South Dakota	10
Tennessee	10
Texas	20-40
Utah	5
Vermont	60
Virginia	30
Washington	50
West Virginia	30
Wisconsin	40
Wyoming	10

The average degree of non-enforcement throughout the United States is 38⅓ per cent.

HOW WET IS PENNSYLVANIA?[1]

Suffering from "a liquor deluge," where practically every city is "wet as the Atlantic Ocean," prominent among the states of the union as "offering the most excellent opportunities for drinking," a "bootleggers' Elysium," brazen in its defiance of prohibition laws, where "there are far more wide-open saloons than ever flourished in pre-prohibition days"—these are some of the characterizations applied to the state whose governor recently appealed to the President of the United States for help in damming the flood of bad liquor. A New York newspaper man, inspired by Governor Pinchot's startling revelations, has conducted an investigation in the principal cities, and he presents even more startling results in a series of articles in the New York Tribune. He confines his testimony to what he saw with his own eyes,

[1] Literary Digest. 79: 38-40, 42, 44. November 10, 1923.

and to what he was told by a number of prominent Pennsylvanians, chiefly Prohibitionists. Typical of the testimony he quotes is the declaration of the Rev. A. J. Weisley, pastor of the Green Ridge Presbyterian Church of Scranton, that "Scranton is the wettest of the wet cities," and that "New York handles the situation much better." Observers in practically every large city in Pennsylvania gave their own localities an equally bad reputation. In Pittsburgh, we are told, "there seems to be no pretence of obeying the prohibition laws," and in Harrisburg, the Rev. Dr. Robert Bagnell, pastor of the Grace Methodist Church, recently "startled a meeting of church people by the assertion that the Eighteenth Amendment was being flagrantly violated." But in Philadelphia, which the New York investigator visited a few days after Governor Pinchot had publicly announced his attentions of padlocking the doors of the liquor dispensaries, conditions were the worst. "If Philadelphia is not at this moment actually submerged by a liquor deluge," reported the investigator, M. Jay Racusin, on October 21:

> The engulfing torrent, from all appearances, must be pressing the Quaker City hard. Considering the ease and freedom with which it is possible to obtain intoxicating liquors in this city, it can be said, unreservedly, "That's all there is; there isn't any more."

Governor Pinchot said so himself, shortly after his visit here some weeks ago, when he hoped to exterminate the myriad liquor dispensaries that dotted the city, by threatening to padlock their doors.

"The saloons in Philadelphia," he said, "have paid no attention to the law. They have been selling liquor more lawlessly and operating in more open defiance of the Federal and state laws than in any other city of the commonwealth. There are over thirteen hundred saloons in Philadelphia."

Investigation reveals that he greatly understates the case. There are, in fact, according to police records,

eight thousand places in the Quaker City where one may obtain high-voltage beer and whisky of character. This is the figure actually counted by the police, but their chief intimates that this scarcely tells the story. There are at least eight thousand more rooms and shops of one description or another, he says, where intoxicants are being sold without the knowledge of the authorities.

The recent repeal of the Brooks high-license law at the instigation of Mr. Pinchot is asserted to have been mainly responsible for the amazing multiplication of saloons over the eight hundred-odd bar-rooms that existed before the repeal of this law.

Perhaps a more impressive picture of the conditions can be obtained from the knowledge that in a period of eight months preceding September 1 there were 29,134 arrests here for intoxication, 5,346 other arrests for disorderly drunkenness, 383 intoxicated chauffeurs taken off the streets, and 1,082 persons taken here and there on suspicion of bootlegging.

Only last Saturday night and early this morning more than four hundred and forty drunks were taken up by the police. It is estimated that at the tempo of the present drinking orgy a record of more than one hundred thousand arrests will be established this year for all causes revolving about the drinking and selling of liquor.

The authorities told the writer, he reports, that they were so hard-prest for cellroom for their prisoners that they had been compelled to release large numbers, simply because there was no place to keep them. Furthermore, the report runs:

> More than 200 cases are awaiting trial in the county courts, while the Federal District Court here has a staggering calendar of 300 liquor cases to look forward to at this term of court.
>
> If more details were needed to depict the failure of Prohibition in Philadelphia to-day it could be said that the demand for saloon space has sent likely corners up from their $60 to $70 monthly rentals to $200 and $300. The entire local market of limes has been bought up by the saloon men for their streams of gin rickeys, and the fever to get into the saloon

business has lately been such that one finds drug-stores, grocery-stores, garages, stables and dwellings converted into barrooms over night.

Window after window offers elaborate displays of liquor flasks and cocktail shakers, while prizes of similar articles are offered at social functions and sporting events.

One can cap the climax of his investigation by strolling along the principal streets in the center of the city and observing the doorsteps and curbs littered with helpless inebriates. The medical care of the tremendous number of these drunks taken into custody has made such demands upon the police surgeons intrusted with this work that three of them were compelled to resign because they were unable to weather the strain.

Certain citizens here, while looking eagerly for some method to deal with the problem, looked with humor upon the padlock-threat attack launched by the Governor on October 2. "When the band passed, it was all over," was the way one of them exprest the net result of Mr. Pinchot's expedition. "The rivers of beer and liquor found by the Governor are still bubbling in his wake. Business is going on as usual."

It is hardly possible to offer any more striking details of the situation than those observed by the Governor himself. The beer sold throughout the city is frequently dosed with ether and is working havoc among drinkers. The whisky is rarely of good quality, and is usually alcohol diluted with water and with a mere flavoring of genuine whisky. "Mustika," a fiery Greek concoction, has become extremely popular in this city and is sending many to the hospitals.

The service in the barrooms is far ahead of that offered even in other cities. It used to be the custom—for safety reasons—for bartenders to sneak the liquor into the hand of the patron and request the patron to take it at a gulp. This haste, however, has now universally given way to a leisurely procedure. Mixed drinks have come into fashion again, and the high-ball and cocktail glasses are placed in rows upon the polished bars and the drinks mixed before the eyes of the customers.

To attract attention to the quality of their goods, reports the Tribune investigator, some of the "barkeeps" actually call attention to the fact that William Penn was a brewer and has left with them the formula of his "most excellent beer." Others assert by placards on their walls that their beer has been "lagered in the lager (aging) caves recently discovered along the banks of the Schuylkill." The report continues:

No attention whatever has apparently been paid to Governor Pinchot's peremptory notice to 1,300 of the places that they must close at once or face injunction proceedings.

The most striking beer- and liquor-drinking sights are to be seen on Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Streets in the down-town section, and on Walnut, Chestnut, Sansom, Arch, Race, Vine and Callowhill Streets; Ridge Avenue, the Kensington district and the West Philadelphia section.

On Twelfth Street one saloon was observed to be jammed to the doors, with the drinkers elbowing their way to the bar through four lines of men. Outside this place numerous men reeled about in drunken stupors. In a saloon one block away girls were observed drinking at the rail with crowds of men customers. In two short blocks here 100 drunken men were counted on one side of the street. In a place in Arch Street three bartenders and seven waiters were kept on the jump serving scores of eager patrons.

In another saloon in Twelfth Street more than 120 men were counted drinking beer and whisky at or near the bar. Among these were about fifty Navy men. There were five bartenders here. In another place six bartenders had their hands full attending to the demands for drinks.

There was a flourishing little bar near the historic old Betsy Ross House, and another two blocks away.

"Give me a red one," or "a high white one," or "punch it with lemon and fixings," you order in another place. In a place on Columbia Avenue, drinks are mixed on the tables before one, just as in pre-Volstead days.

Many of these places have been turned into lively dance-chambers, with the beer and alcoholic beverages flowing like water.

And so one could go on indefinitely. The present-day attempts made to deal with it by the various state, City and Federal agencies are feeble and ineffective to say the least.

Federal Judge J. Whitaker Thompson complains that, in his opinion, the Federal courts should not assume the sole burden of trying the liquor cases, but that it should be shared by the State courts. Apparently staggered by the huge calendar of these cases, Judge Thompson says, "this court can't give any more time than it is now giving to the handling of Prohibition cases. We can't try more than fifteen or twenty cases a week.

"On the surface," Judge Thompson added, "it certainly looks as if all the injunction suits were intended for the Federal courts. I want it distinctly understood that this court, with but three judges, and its calendars cluttered with many kinds of lawsuits, could not possibly hear a flood of these injunction suits, and, while we are willing to do our part in the enforcement of this

law, the State courts should also do their share. Does the State of Pennsylvania expect the Federal judges to do all the work, or are its judges going to help out?"

The courts thus have been brought to a virtual impasse, so that the chances seem small of a considerable number of 1,300 saloons being legally proceeded against and a decision rendered within a reasonable time. The only padlocks on the barroom doors are those placed there nightly by the owners themselves.

Directory of Public Safety Cortelyou admits that drunkenness is encountered generally in the streets of the city. Superintendent of Police Mills adds that police supervision of the saloons is virtually impossible, because, he argues, 8,000 "blind-tigers" have blossomed into being throughout the city, where, before the passage of the Pinchot State enforcement act, there were only 1,400 licensed taverns.

In addition, it is argued, any efforts the police might put forth to clamp down the lid are defeated by the action of the local municipal and county courts in throwing the cases out wholesale. The arrests are continuing, however, it is said, under the Pinchot Dry act, but little appreciable results are looked for.

Several church bodies are uniting for action on their own account. How they hope to accomplish what the local governmental agencies admit they have been unable to do is hard to see. As for the attitude of Mayor Moore, the liquor question is probably the sole subject upon which he rarely expresses himself.

Above it all remains the one striking fact—Philadelphia is soaking wet and, from all appearances, will continue to be so for a long time to come, unless some power not now evident enters upon the situation with a more effective stick than has yet been brought to bear upon it.

As with Philadelphia, so, reports Mr. Racusin, it was with the other cities, large and small, of Pennsylvania. He visited Scranton, where, he says:

The vaccine of Prohibition seems to have had not the slightest effect. Scrantonians have as much opportunity to-day for drinking spirituous liquors as they had in the pre-Volstead days, when its 135,000 citizens had at their disposal the faucets of 400 thriving saloons.

This striking fact becomes evident at once to the most superficial observer. The city's officials and prominent citizens admit it. John Durkan, the Mayor, says he is "up against it." The State authorities appear to bestir themselves little beyond grabbing a liquor vender once in a while and throwing him to the Federal courts, where the Judge says "most of the cases will rest and go to sleep."

There are blind-tigers, speak-easies and old-time saloons a-plenty. The writer visited a score of them in the busiest streets of the city. Some time ago, August 30 last, to be exact, State troopers served notices on the most brazen of these places that they would have to "close up and get rid of their customers and tear out their fixtures," and that they must "desist from keeping alcohol, brandy and other spirituous, vinous, etc., beverages or liquors of one-half or more of 1 per cent."

It was, in truth, a farce. Men were seen drinking, but no effort was made to arrest them, nor was any attempt made to seize the stored liquors.

Mr. Racusin gives the names and addresses of a number of places where customers can get liquor of any sort, without an introduction, and, apparently, without limit. "But why go on?" he asks, for—

One need hardly be told of these spots. There is evidence sufficient of their existence on the streets. In a period of fifteen minutes the writer saw four drunken men on Washington Avenue. The press here keeps a picture of the situation continually before the public by insisting every now and then that drunkenness has increased "50 per cent." Nearly every month, as the newspaper files show, it is indicated that the number of arrests for drunkenness has risen 50 per cent. over what it was last month or year.

In Easton, the "staid college town by the Delaware River," the writer reports that he found "not only as many saloons in the town as there were in pre-Volstead days, but a host of speak-easies beside." He goes on:

One need not take the writer's word for it. Robert Stofflet, who represents Northampton County, of which Easton is the seat, in the Keystone State Legislature, has said that if some mythical giant took the town in the palm of his hand and gave it a vigorous shaking, as he would some dice, its 35,000 inhabitants would be found dripping with loosened liquors. He told an audience a few days ago that he could point to one block in Easton which before Prohibition harbored "only" five saloons, in which there now were not only the same five saloons, but also fourteen speak-easies, all doing a thriving business, and all quite openly and without any apparent effort at secrecy.

Here can be seen the characteristic sign over the door announcing that the place is a "barroom." Here, too, are the swinging-screens, the polished bars with the time-honored pretzel

bowls, and heaps of hard-boiled eggs. No questions are asked except merely, "Scotch or rye?"

The saloon men in Easton received no notices that their places would be padlocked if they didn't close up. In the round of the "wet nuggets," as they are referred to here by certain authorities, one soon forgets the existence of Prohibition statutes. The police, in fact, seem to ignore these statutes entirely. When an occasional delinquent is picked up in the foreign quarter or outskirts of the town, he is brought before the Municipal Court judges, not on any charge related to either State or Federal Prohibition laws, but on the ground that he has violated a local health regulation forbidding traffic in food products "unfit for human consumption."

Within a radius of three blocks in the center of the city, adjoining Center Square, the writer counted twelve places operating quite openly as saloons. While before Prohibition the town had but thirty licensed liquor establishments, I was informed on the best authority that this number probably has been doubled, with the home brew evidently quite plentiful.

A peep at some of the neighboring towns, says the Tribune investigator, indicated that the conditions of Easton were typical of most of the smaller communities dotting the eastern half of the state. He says he was told that, in the distant past—

The motions of clapping on the lid were gone through with appropriate flourishes and ruffles, and some fears were felt more recently in certain quarters from Governor Pinchot's padlock threats. But never has any move of any considerable importance been made by either State or city authorities to bring liquor venders within the law since the descent upon the town of an army of Federal agents in August, 1922.

Road-houses belt the city. South Delaware River Road can boast of these wet bungalows, while Nazareth, Freemansburg, New Burg, Raubsville and Belfast all can tell stories of open houses. In Nazareth, through the windows of a supposed ice-cream parlor, one may observe persons sitting at tables drinking cocktails. One need not be known in these places, as I can testify.

Harrisburg, the capital, says Mr. Racusin, is less open in its defiance of the liquor laws than most of the other places he visited. The police report almost double the number of arrests for drunkenness registered a year ago, but, so quietly is the traffic conducted, that "one is led to suspect a conspiracy of silence on the subject."

After presenting the testimony of one of the city's leading pastors to the effect that the liquor laws are being "flagrantly violated," Mr. Racusin proceeds:

As a matter of fact, the writer found a large proportion of the old-time saloons were doing business at their old stands without so much as changing the old beer signs that had been gathering dust in their windows for years. The recently enacted State enforcement law only served as an additional inducement to continue in the business by removing the overhead license tax.

These places, variously estimated at from forty to seventy in number, make no effort to pose as any other than genuine barrooms, the bartenders in many instances being known to frequenters of pre-Volstead days. The beer offered is in the main of good quality, altho I am told that some days it is better than others. In most of these places I learned it was possible to obtain the harder liquors, tho one had to be introduced.

More startling is the evidence that the old saloon with the picturesque back room is hanging on here, altho now a memory to New Yorkers. The writer visited six of these places, where after being properly introduced he was offered many per cent. beer and "shots" of moonshine.

I found beer and whisky selling going on in a hotel not far from the Capitol. In three blocks on Market Street I counted four places where one could obtain beer of "excellent" quality, and vinous spirits if one were "recognized."

Harrisburg, like other towns visited through the State has its quota of wide-open road-houses. One need only go out into the river drive toward Coxestown to find a bevy of them. Coxestown itself, a stone's-throw from the Capitol is said to be dotted with illicit stills.

What is happening as a result of these conditions? On the surface Harrisburg appears calm and indifferent. I am told by some of the citizens that few intoxicated persons are seen on the streets, and that brawls are uncommon.

At Police Headquarters I was told, however, that of the city's 75,000 inhabitants, 682 had been arrested so far this year for drunkenness. The number of arrests for the whole of last year was 504. In the first eighteen days of this month fifty-four drunkards were picked off the streets, while fifty-two were taken in the whole of the same month last year.

The police pointed to the fact of thirty-three chauffeurs having been recently arrested for intoxication while driving, as a sinister development of the situation that had never been experience by the Capitol before.

In the matter of preventive or corrective measures practically nothing is being done. The County Prosecutor last fall gathered evidence against nearly all of the saloon-keepers, and

sought to have them convicted. The liquor men evaded punishment by contending that they had purchased beer of the legal alcoholic content but that it grew stronger while awaiting sale in their cellars. All the cases were dismissed by the country courts.

Pittsburgh, the second largest city of the state, was described to the investigator by two of its prominent citizens as "wet enough for rubber boots," and "positively rotten" as far as liquor conditions were concerned. The investigator reports:

The city, in fact, is as wide open as a gaping door. It has been estimated that there are at least 2,000 places here where one may obtain high-power beer and spirituous liquors. From fifty to sixty drunkards are picked up on the streets by the police daily, and some days the big industrial plants in the outskirts have difficulty in operating because of the wobbly condition of their workers.

The municipal, State and Federal authorities are making little headway cleaning up the city. The Federal courts are already clogged with 500 violation cases awaiting disposal in November, and a similar condition prevails in the county courts.

There have been no threats of padlocking here, and mention of some such possible step by Governor Pinchot is received with an indifferent wave of the hand.

Nobody seems to care. The Federal enforcement agents say they are not permitted to serve summonses on offenders after sundown, just when most of the violations take place. Mayor Magee declines to comment on enforcement. District Attorney Gardner and the county authorities generally are so occupied with age-old cases that they appear to have little time to give to present conditions.

All of which must be thoroughly satisfactory to the hosts of bootleggers and liquor dispensers that are openly trafficking in violation of State and National laws. To the outsider, as to the writer, the sight is astounding. In one spot I observed five saloons in a row packed to the doors with beer and whisky drinkers and a policeman stationed outside to keep the lines of incoming and outgoing patrons in order.

There was not the slightest effort made to conceal the nature of the business. In three of these "bars," as their signs called them, four bartenders were kept on the jump handing out 6 per cent. beer and hard liquor for the mere asking.

With lines three and four deep, the familiar negro waiter offered slices of roast beef to the crowding patrons, the cheese plate and pretzel bowl at each end of the bars, it took one

back to the old Bowery days. It was hard to believe that this was taking place in a dry age.

One aspect of the situation, reports Mr. Racusin, is that various neighboring industrial centers "often find themselves crippled through the opportunities offered their employees for indulgence in drink." The liquor, popular in such sections, it appears, is colored alcohol, and six workmen had died from its effects within three days preceding his visit. He was not surprised, adds Mr. Racusin, when H. D. W. English, a prominent churchman and chairman of the Prison Board, told him that the jail population was on the increase. He quotes Mr. English, in conclusion, as follows:

"We've got Prohibition in Pittsburgh only on paper. The State troopers ought to be trebled and brought into the city and the place cleaned up. You can't do it with Federal troops. Such a suggestion is ridiculous. You can't eliminate the saloon between reveille and taps any more than they can be eliminated by merely wishing them out of existence, which is about all that is being done at the present time. I have no illusion about the openness of the traffic, nor has any one else of our citizens. The situation is rotten. So far as the saloon is concerned, its business is as usual. The only apparent difference now is that intoxicants are a little more expensive than they used to be.

BRIEF EXCERPTS

The prohibition force itself is honeycombed with graft.—*George MacAdam. World's Work 41:516. March, 1921.*

As for the law-breaking of the classes which commonly stand for law-abiding, it is partly resentment and partly bravado.—*S. K. Ratcliffe. Contemporary Review, 120:490. October, 1921.*

Few men in any line or calling are subject to the temptations which beset the prohibition-enforcement

agent at almost every turn.—*Roy A. Haynes. Prohibition Inside Out. p. 43.*

It is to be doubted if the bootleg traffic could survive a month if ordinary law-abiding citizens did not at some step become participes criminis.—*World's Work. 46:577. October, 1923.*

That the lack of enforcement of the prohibition laws has developed into a national scandal no informed person who cares to be frank can deny.—*H. L. Scaife. Current History. 18:235. May, 1923.*

The men who put across prohibition have succeeded in making a nation of home-brewers and in creating contempt for law, asserts the Providence News.—*Literary Digest. 71:13. October 15, 1921.*

In the larger cities of the country at least fifty per cent of the moonshiners apprehended by enforcement officers are unable to speak English, and nine moonshiners out of every ten are foreign born.—*Roy A. Haynes. Prohibition Inside Out. p. 21.*

The chief patron of the bootlegger is the well-to-do business man. Take away his patronage and the bootlegging traffic would fizzle out.—*George W. Wheeler, Chief Justice Supreme Court of Connecticut, in a letter to Elbert H. Gary, under date of August 1st, 1923.*

The money that has been expended in the past few years in the corruption of the federal [prohibition enforcement] service is incalculable. It must run to enormous figures.—*T. Henry Walnut. Annals of the American Academy. 109:206. September, 1923.*

Laboratory tests show that bootleg liquor and the ante-prohibition liquors are much the same, considered

from a toxic viewpoint.—*Charles P. Howard, Chemist, New Hampshire State Board of Health. New York Times. June 15, 1924.*

Prohibition has never had a fair chance. By exempting enforcement officers from the operation of the federal civil service law the Volstead Act turned them all over to political patronage and made enforcement a political game.—*Imogen B. Oakley. Annals of the American Academy. 109:165. September, 1923.*

The federal laws had been granted more respect than local laws. There had been about the federal processes of justice an impersonal relentlessness that was dreaded even by the professional criminal. But this respect passed with the development of prohibition.—*T. Henry Walnut. Annals of the American Academy. 109:203. September, 1923.*

ARRESTS FOR DRUNKENNESS

San Francisco		Los Angeles	
1920	2,139	1920	3,357
1921	5,547	1921	6,559
1922	8,320	1922	9,911
1923	10,577	1923	12,839

—*Daily Commercial News (San Francisco). January 10, 1924.*

"The greatest breeder of crime and criminals in America is the failure to enforce the Eighteenth Amendment. Failure of the United States government to do its plain and simple duty under the law is the main cause of lawlessness today. Immunity for crimes against the Eighteenth amendment has encouraged other crimes until today we face a situation in which not only the criminal classes but the great bulk of honest citizens thruout the country is firmly convinced that the government does not really intend to enforce the law. "I know of no scandal in our national history to com-

pare with it."—*Governor Pinchot of Pennsylvania as quoted in the Cleveland Press. January 17, 1924.*

Enforcement of prohibition laws in Ohio is resulting in heavy expense to society and the state with widely different results in the collection of liquor fines in the different counties. A state wide investigation just completed by The Plain Dealer shows many liquor law violators held in county jails for refusal or inability to pay fines, families of some of them in destitute circumstances and a growing restlessness on the part of both county officials and public at continuing to shoulder the growing cost of letting prisoners "lay out" their fines while the public pays for their "keep" and sometimes that of their families.—*Cleveland Plain Dealer. January 20, 1924.*

"Last year we analyzed 40,000 samples of liquor seized by the government in all parts of the country", said James M. Doran, head of the Industrial Alcohol and Chemical Division of the Prohibition Unit, Washington, D.C. Only 2% were genuine—98% were imitations and *unfit to drink*. The majority were *poisonous*. Virtually no liquor is coming into this country from Scotland, England or Continental Europe. All of the stuff smuggled in by rum runners is bad raw alcohol, made in Cuba from blackstrap molasses, then shipped to Nassau where it is colored and flavored. All brands are made from the same vat and bottled under counterfeit labels.—*A. B. MacDonald and Hugh S. Cummings. Ladies' Home Journal. 40:181. May, 1923.*

The sewer inspector of North Tarrytown, N.Y. has been compelled to beseech by public proclamation the good citizens of his town to refrain from throwing the refuse from their private—and illicit—stills into the sewers. Grain, mash, prune pits, and like discards have clogged and choked the pipes to the necessity for

repair, and realizing the absurdity of requesting a law governing or even restricting the performance of an illegal act, the inspector falls back on good-natured appeal. Sooner or later the home brewer and distiller must have his own disposal plant, or at least some nomenclature committee may have to decide whether hooch refuse is sewage or garbage."—*The Engineering News-Record (editorial). 89:172. August 3, 1922.*

There are approximately 500 cereal-beverage manufacturing plants in the United States. Over 200 of these plants have been reported during the past 12 months for violations of law. Approximately 125 of them have been placed under seizure. Approximately 75 of such companies have settled their civil liabilities by compromise where the case arose prior to August 8, 1921. Those arising subsequent to said date were settled by a compromise of their civil liabilities after a plea of guilty to the criminal information filed against them. The unit has refused to issue permits to some 48 brewers who have violated the law under permits previously issued.—*1922 Yearbook of the Anti-Saloon League. p. 86.*

The amount of beer illegally made in breweries is in volume very small. This is clearly proved by the Internal Revenue reports. The brewer who is occasionally making real beer reports it as a cereal beverage, and he would be foolish to attempt to do anything else. The total output of cereal beverages for the last fiscal year was approximately 5½ million barrels for the entire United States, which is considerably less than one-tenth of the former beer output of the United States. The home brew business is negligible. Home brews are troublesome and unsatisfactory. Undoubtedly, however, a considerable amount of such beer is being made by saloonkeepers themselves.—*Hugh F. Fox, secretary*

United States Brewers' Association in a letter dated January 28, 1924.

It is virtually impossible to buy good whiskey from the illicit liquor interests in the United States today. What the bootlegger offers as high grade imported whiskey or bottled-in-bond stuff is neither. In 95 per cent of the cases, or more, it is moonshine—not pure and simple, but watered, thinned down, adulterated, and fearfully doctored with chemicals, many poisonous, to give it color, a "kick," and a bead. When reports of huge smuggling operations are circulated, it should be remembered that the illicit liquor interests are conducting a great and elaborate propaganda campaign to discredit law enforcement, and that the spreading of such reports is part and parcel of that campaign. No bootlegger, of course, is willing to admit that he can obtain only adulterated moonshine. Hence, fanciful tales of the wet wave sweeping in on our coasts, and other related falsehoods swung from mouth to mouth to hide the real and dangerous origin of what the bootlegger has to sell. —*Roy A. Haynes. Prohibition Inside Out. p. 15.*

In 1921 while visiting one of the college fraternities at Syracuse University I was told three different times, each time by a different student, and each time in the presence of one or more other students, that a member of that fraternity, who had completed his work at Syracuse University a year or two before, had made a hundred thousand dollars in the previous year by bootlegging. They said he operated in and around New York City, having his own cars which brought the liquor from Canada. They also said that while at Syracuse University the man in question had been a star athlete, had played on the Syracuse University varsity football team, and had been ranked by Walter Camp as a member of his second All-American team. The thing about

the incident that impressed me most was that all the members of this fraternity seemed to know all about it, seemed willing to tell all they knew, and seemed quite proud of it, for it was one of the things they mentioned in a boasting way.

Similar bootlegging operations, carried on in 1920 by several students at Dartmouth College, came to public attention when a member of the senior class was murdered by a member of the junior class as the result of a quarrel over whiskey which they had smuggled from Canada by automobile. Further details may be found in the newspapers of June 17, 18, and 19, 1920. —*Lamar T. Beman.*

For years the custom in Cleveland has been to "golden rule" men only slightly intoxicated, releasing them as soon as they sobered. But although the number of golden ruled has been increasing since 1920, only 12,408 were golden ruled in 1923, as compared with 25,443 in 1917, while the number held for court has jumped to 6,334 in 1923 from 1,209 in 1917. Arrests for intoxication from 1917 through 1923 show a decline up to 1920, but an increase from then on. Figures taken from yearly statistics kept by Chief Jacob Graul follow:

Year	Held for court	Golden ruled	Total
1917	1,209	25,443	26,652
1918	858	20,091	20,949
1919	495	12,959	13,454
1920	474	9,050	9,524
1921	2,834	9,642	12,476
1922	4,434	12,246	16,680
1923	6,334	12,408	18,742

Prohibition went into effect in Ohio in May, 1919. Enforcement did not get under way until the following year. These figures are arrests by police only. They do not include thousands of arrests by federal and state agents and special dry constables hired by justices of the peace.—*Cleveland Plain Dealer. January 11, 1924.*

AFFIRMATIVE DISCUSSION

PROHIBITION'S RESULTS[1]

In any attempt to estimate the results of prohibition it is necessary to recall the promises made for that system before it was fastened upon the country. The people were told that its operations would cause improvement in public health, promote prosperity, make the wage-earner more contented and efficient, raise the standards of morals and greatly reduce vice and crime. Particular emphasis was laid upon the last prediction, for alcohol in beverage form was held by prohibition protagonists to be at the root of almost every human ill and the chief direct cause of all offenses against law and order.

The system has now been in operation throughout the United States for upward of two years. I have seen some figures that lead me to believe that the general health of the people has somewhat improved during these two years, though from causes not connected with prohibition, and it is significant that the largest industrial life insurance company reports an increase of 50 per cent in deaths due to alcoholism in 1921, the second "dry" year.

In connection with the prohibitionists' claim that the nation's health has been bettered through their action, the following from the Statistical Bulletin of the Metropolitan Life Insurance Company, April, 1922, is of interest:

There have been marked increases in the death rates for heart disease, Bright's disease and apoplexy in recent months

[1] By Stuyvesant Fish, former president of the Illionis Central Railroad. Current History. 16: 377-85. June, 1922.

among the industrial policyholders of the Metropolitan Life Insurance Company. Small increases in the mortality from these diseases had been noticed early in November of last year, but the change attracted little attention and caused little comment. The possibility that it marked a definite check in the favorable tendency shown for several years for each of these diseases was not seriously considered. By December, however, the death rate had taken a more decided upward turn for each disease. Organic heart disease registered a rate of 124.9 as compared with 118.4 in November; the apoplexy rate rose from 62.9 to 70.6 and that for Bright's disease from 69.1 to 71.9. By January it had become apparent that for two of these diseases, at least, a definite upward tendency was in progress. The heart disease rate increased sharply from the December figure of 124.9 to 137.2, and that for chronic nephritis went up nearly three points over the December figure. The apoplexy rate for this one month fell somewhat. In February the heart disease figure rose even more sharply than for January (to 153.4), the nephritis rate again increased slightly (to 75.8), and that for apoplexy returned to approximately the December level. By March the rate for organic heart disease had reached 168.2 per 100,000, one of the highest figures ever recorded in any one month among Metropolitan industrial policyholders. The March rates for chronic nephritis (87.5) and for apoplexy (75.8) are both the highest registered for those diseases since March, 1920.

Assuming for the sake of argument—without admitting the truth of the assertion—that prohibition is to be credited with a decreased death rate, it must, on the other hand, be charged with the business depression; and in every other respect it has failed absolutely to justify the promises held out in its behalf. Prosperity, which was at flood tide when the system became effective, has disappeared; the wage-earner desperately and often vainly hunts for work to keep himself and his family alive; moral standards have sunk to the lowest ebb, and, finally, a wave of criminality sweeping over the whole country shows no sign of diminishing.

The proportions of this crime wave cannot be accurately stated, but they can be guessed from the accompanying table based upon the police returns of thirty

cities having an aggregate population of almost ten and a half millions. These cities were not selected designedly, being simply those whose returns happened to have been completed and verified at the time of writing; they are a first exhibit in an attempt to get the criminal statistics of all municipalities having a population of one hundred thousand or more according to the 1920 census. The table covers for the most part the calendar years 1920 and 1921, corresponding practically to the first two years of prohibition, though it should be noted that Boston's returns present a comparison between the municipal fiscal years ended March 31, 1921, and March 31, 1922, and that as the figures for the full calendar year 1920 were not obtainable in Oakland, Cal., the records of the last six months of 1920 and the same period in 1921 have been selected as the exhibit for that city. The marked falling off in crime in 1921, in Akron, Ohio, as compared to 1920, is explained by the great loss in population which that city suffered, due to collapse in the automobile tire industry.

The cities represented in the table are located in all parts of the United States, and hence a graphic cross-section view of the whole country is presented. No returns from such mammoth urban centers as New York and Chicago, which might be expected to make the exhibit of criminality more striking and, so to speak, overload the tabulation, are given. One city having more than a million inhabitants, six ranging from five hundred thousand to one million, and nine between two hundred thousand and five hundred thousand, and fourteen with less than two hundred thousand population each, are included. In these cities, which may fairly be said to represent the United States as a whole, we find in a single year that crime of all kinds (as shown by police arrests) has grown almost 24 per cent; that drunkenness and drunkenness coupled with disorderly conduct have grown

more than 40 per cent; that theft, homicide, burglary, fraud and embezzlement, with other serious crimes, all show notable increases. The futility of prohibition as a means of preventing men from drinking is shown in the increased arrests of intoxicated autoists, amounting to more than 80 per cent, and in the increase in the arrests for violation of the prohibition laws, amounting to more than 100 per cent. Perhaps, however, the most sinister item in the tabulation is that showing the growth of the deadly drug habit, the arrests indicating a jump of almost 45 per cent.

The police returns, in this respect, are not as striking as those coming from other sources. The Commissioner of Public Welfare of New York City, for instance, reports that the cases of drug addiction treated in Kings County Hospital in 1919 were 116, and in 1921 were 961. The alcoholism cases in 1918 were 1,145, and in 1921 were 1,168, indicating that prohibition, which at first had seemed to reduce this phase of the drink evil, had become ineffective. The Federal Prison at Leavenworth, Kansas, has become overcrowded with liquor and drug prisoners, the major being of the latter variety. The net increase in prisoners since December 21, 1921, is given as 476 by The Milwaukee Daily Leader. In the City Hospital at St. Louis, according to The St. Louis Post Dispatch, there were 3,198 alcoholic cases treated in 1921, an increase of almost 100 per cent.

Returns are made on police department expenditures by twenty-three of the thirty cities, and of these all but three report increases. Of the three cities which reduced police expenditures two reported that such economies were made necessary, despite crime increases, because they no longer enjoyed the revenues accruing from license fees. The net increase in police costs in 1921 over 1920 for the twenty-three cities reporting was $3,539,065.27.

CRIME UNDER PROHIBITION IN THIRTY AMERICAN CITIES

	Population 1920	Arrests 1920	All Causes 1921	Drunkenness and Disorderly Conduct 1920	1921
Philadelphia	1,823,779	73,015	83,136	20,443	27,115
Detroit	995,678	43,309	50,676	5,989	6,349
Boston	748,060	58,817	72,161	22,341	31,794
Baltimore	733,826	41,988	54,602	13,443	20,496
Pittsburgh	588,343	36,572	41,820	14,373	16,990
Buffalo	506,775	24,436	32,377	8,491	9,650
San Francisco...	506,676	26,672	30,106	2,794	6,005
Milwaukee	457,147	10,545	15,520	2,400	3,481
Cincinnati	401,247	14,175	21,973	2,062	3,106
Minneapolis	380,582	10,608	17,874	2,982	6,051
Portland, Ore. ..	258,288	18,445	30,856	3,654	4,379
Denver	256,491	12,947	19,649	1,847	3,163
Louisville	234,891	7,857	9,601	1,092	2,361
St. Paul	234,698	5,638	10,077	1,902	4,319
Oakland, Cal. ..	216,281	3,706	4,497	1,261	2,191
Akron, Ohio	208,435	12,558	10,104	5,228	3,939
Birmingham	178,806	16,786	21,488	2,886	4,612
Richmond	171,667	12,706	15,532	1,563	1,953
New Haven....	162,537	7,934	8,465	3,186	3,184
Dallas	158,976	26,058	35,848	1,219	1,338
Hartford	138,036	8,072	7,395	4,057	3,207
Patterson	135,875	4,058	3,809	1,637	1,509
Springfield, Mass.	129,614	3,757	4,574	625	920
Des Moines.....	126,468	4,465	4,982	1,530	1,598
Trenton	119,289	5,693	5,577	1,550	1,426
Salt Lake City..	118,110	7,728	7,505	883	909
Albany	113,344	3,216	4,168	578	900
Cambridge, Mass.	109,694	3,822	4,664	871	1,423
Spokane	104,437	6,478	7,237	933	1,311
Kansas City, Kan.	101,177	4,774	4,129	45	133
Total	10,417,227	516,835	640,402	131,855	185,808

Total in 30 Cities	1920	1921	Increase
Violation of Prohibition Laws....	9,375	18,976	102.0%
Drunken Autoists	1,513	2,743	81.0%
Thefts and Burglary	24,770	26,888	9.0%
Homicide	1,086	1,224	12.7%
Assaults and Battery	21,147	23,977	13.4%
Drug Addictions, etc.	1,897	2,745	44.6%
Police Department Costs $31,193,639		$34,762,196	11.4%

The increase in police costs represents but one part, and, perhaps, the smallest part, of the additional burden upon the public. As is well known, the prohibition cases

are congesting the Federal courts and the courts of those states which have seen fit to enact enforcement laws to a degree heretofore unknown. The costs involved in the arraignment of prohibition prisoners, their maintenance when in detention, the costs of jurors, of trials and of witnesses must mount up into many millions, though they cannot be even approximately stated, as they are seldom segregated in court accounting. One serious result of the congestion in the courts has been the delay in the disposition of other than prohibition cases. "Justice delayed is justice denied," is an old proverb having its striking exemplification today. Nobody can measure the injury done to the business world by the situation prevailing.

The exact number of prohibition cases handled and pending in the courts of the states is also beyond computation. The following record for 1921 in New York City gives an idea of their great volume:

Arrested	5,922
Held for Grand Jury	3,258
Indicted	454
Pleaded guilty	94
Convicted	18

As for Federal court conditions, the Commissioner of Internal Revenue in his report for the fiscal year ended June 30, 1921, stated: "At the beginning of the fiscal year 21,372 prohibition cases were pending. During the year 98,349 prohibition cases were received, 51,388 cases were closed as to both civil and criminal liability, leaving 68,333 open cases in the files June 30, 1921." Thus the pending cases at the end of the year exceeded those pending at the end of the previous year by 46,961. It was this condition which caused the demand, led by the Attorney General, for legislation authorizing the appointment of a score of new Federal judges, so that a heroic effort might be made to clear the court calendars.

There is a disposition in some quarters to blame the World War for the enormous increase in criminality in

the United States, and there is no question at all that the great conflict had its aftermath of disorder in every country engaged. But those countries which suffered far more than the United States—countries which lost far more men, had much more property destroyed and endured the strain much longer—have now measurably recovered their poise, whereas in our own country crime, instead of subsiding, continues to increase. Those other countries have not prohibition; we have.

Let us illustrate with a few figures from England and Wales. In 1920 the convictions for drunkenness in the two countries totaled ninety-five thousand in round numbers. The Liquor Control Board created on account of the war was still in charge, and it was predicted that when the war regulations were relaxed a flood of drunkenness would result. However, the regulations were relaxed by statutory enactment in 1921, and the drunkenness convictions dropped to 77,789. In 1920 the proportion of convictions to inhabitants was 258 per 100,000. In 1921 it was 205 per 100,000. Some detailed figures may prove interesting:

	Convictions for Drunkenness	
	1920	1921
Birmingham	2,125	1,743
Liverpool	8,506	6,386
Yorkshire	10,269	7,698
London	29,956	27,420

Before dismissing the general subject of crime, I invite attention to the following from the report of the Secretary of State of New York:

> Crime convictions in Courts of Special Sessions and Courts of Record totaled 55,516 in 1921, as compared with 40,691 in 1920.
>
> Convictions for intoxication in Courts of Special Sessions in 1921 totaled 10,291, as compared with 5,287 in 1920.

Unfortunately, I have been unable to get statistics of this character from other states. I have no doubt,

however, judging from the police returns in hand, that New York's experience is not unique among states composing the Federal Union.

Loss of Revenue

The loss in public revenues due to prohibition mounts up into the hundreds of millions. Before the advent of prohibition many states and cities, the latter, especially, collected license fees from sellers of drink. These were ordinarily estimated at $100,000,000 annually, but perhaps $75,000,000 would be nearer the mark in recent years, due to adoption of prohibition by a number of states. The Federal revenue derived from liquors in the fiscal year, ended June 30, 1919, was $483,000,000. In this year, moreover, there were still numerous restrictions on the sale of drink growing out of the war. So it may be safely concluded that each year of prohibition has caused a loss in public revenue of approximately $560,000,000 or a total of $1,120,000,000 for the two-year period.

This loss must, of course, be made up by the taxpayer in some other way, and it assumes an especially vexatious aspect when he reads the prediction of the Secretary of the Treasury of a deficit of perhaps $450,000,000 in the next fiscal year, without calculating such contingencies as, for instance, the proposed bonus. It is this situation that has recently added such strength to the movement to restore non-intoxicating beer and wines to a legal status, as may be done with perfect propriety under the Eighteenth Amendment.

In the fiscal year ended June 30, 1914, the production of beer in the United States reached over sixty-six million barrels—its highest mark. It is estimated that, what with the growth in population and the removal of the competition of spirits, beer sales would shortly reach one hundred million barrels yearly. This amount at the former rate of tax would yield $600,000,000 to the Fed-

eral treasury. The output of wine, it is generally believed, would soon reach one hundred million gallons, which at 40 cents a gallon tax, as proposed, would yield a revenue of $50,000,000. To this might be added $40,000,000 which states and cities would collect in the form of license fees from dealers, and a total public revenue of $690,000,000 annually is indicated. This estimate does not take into account such factors as increased income taxes, customs duties, increased property taxes and the like, which might add $25,000,000 more to the public revenues.

Consumption of Alcohol

The question naturally arises: To what extent, if at all, has the consumption of alcohol in beverage form been reduced by prohibition in the United States? Here the statistician must proceed cautiously. It is known that great quantities of potent spirits have been smuggled into the country from Canada, Mexico, the West Indies, and through all seaports, and that the flood continues in apparently undiminished volume; but any attempt at measurement would be futile. It is known, also, that "moonshine," that is the making of illicit spirits, has grown to huge proportions and that it has spread from its original domicile in the southern highlands to the farm in the broad prairie and the tenement house in the great city, and, indeed, to every part of the country. Here again the quantities produced and consumed are beyond the wildest conjecture. We have the report of the Commissioner of Internal Revenue to show that 95,933 distilling appliances were seized in the last fiscal year ended June 30, 1921, but as to how much liquor was made and disposed of before these seizures and how many hundreds of thousands of stills escaped seizure and what their output was and is, there is and can be no hint. We get a little light on the subject of private beer-making when we learn that some fifty thousand bales of hops are cut up into small packages in a year, indicating a production

by the home-brewer of ten million barrels which figure is verified to some degree by the sale of malt and malt compounds in small amounts. And there are official documents available which shed a good deal of light upon the production and consumption of wine under the present conditions.

A report by the California State Board of Agriculture, published in August, 1921, is devoted to the viticulture industry. It shows that in 1920 the growers sold three hundred and seventy-five thousand tons of their grapes at prices which at times reached over $200 a ton and averaged $95 a ton, the latter figure being about 400 per cent above the normal. These grapes would make ordinarily over fifty million gallons of wine. The rail shipments of grapes from California were 26,738 cars, and from other states 11,938 cars, the latter indicating twenty to twenty-five million gallons of wine. In addition there were imported into the United States, in 1920, 230,202 tons of raisins, or ten times as many as were imported in all the four previous years, and 27,916 tons of currants, as many tons as were imported in all the four previous years. Raisins and currants, nobody needs telling, are largely used by wine-makers. Taking also into account the fact that millions of persons who had fruits and berries of their own, or could readily get them, have been making wine or cider at home on an unexampled scale, an estimate of one million gallons consumed in a year seems to be conservative. The boom in wine grapes has been one of the remarkable developments under prohibition, and is responsible for the planting of new vineyards in California alone to the extent of eighty-five thousand acres (estimated) in the single year of 1920.

It is important to note that the home-brewed beer and the home-made wine are much stronger as a rule than the commercial article. In the case of beer the home-brewer has no way of checking a full fermentation, which results in an alcoholic content of 6 to 8 per cent, as

against 3 to 4 for the commercial article. In the case of wine the home-made article is almost invariably treated with sugar or some other element which develops much more alcohol in the fermentative process.

Property Destroyed

Prohibition destroyed almost wholly industries representing a capitalization of more than $1,250,000,000. The magnitude of these industries may be realized by inspecting the subjoined tables, compiled from the United States census of manufacturers in 1914:

	No. of Plants	Capitalization	Persons Engaged
Distilling	434	$91,285,000	8,322
Brewing	1,250	792,914,000	75,434
Vinous liquors	318	31,516,000	3,188
Malting	97	46,767,000	2,548
Total	2,099	$962,482,000	89,492

	Annual Wages	Paid for Materials	Value of Products
Distilling	$3,994,000	$40,997,000	$206,779,000
Brewing	53,244,000	129,724,000	442,149,000
Vinous liquors	1,194,000	9,489,000	16,618,000
Malting	1,828,000	39,199,000	48,133,000
Total	$60,260,000	$219,409,000	$713,679,000

Besides these there were the wholesale and retail handlers of the products. Almost all of this has gone. There are breweries making cereal beverages and other soft drinks, but the extent of this business can be guessed when it is stated that the number of employees does not equal 10 per cent of the personnel in pre-prohibition days. The wineries are likewise running with largely reduced forces, though they are still permitted to sell for medicinal and sacramental purposes. Legal distilling is also at a minimum.

The revival of brewing and wine-making might be expected to result in the direct employment of some

seventy-five thousand wage-earners, with pay of $75,000,000 a year, for wages are still at a higher figure than in 1914; in expenditures for materials, fuel, machinery and supplies of perhaps $250,000,000, and in the indirect employment of many thousands of workers in transportation and the supplying industries and the distributing trades. The effect on agriculture would be marked, for brewing barley would be restored to its place as a premium grain and from eighty to one hundred million bushels purchased annually at high prices for malting purposes. As it is, the barley crop has served to depress the whole grain market. Similarly, American hops, which have been shut out of European markets by tariffs and other discriminating regulations, would be in demand at good prices.

The experience of Sweden and Norway, with laws discriminating in favor of the lighter and against the heavier alcoholic beverages, and, more latterly, the experience of Quebec and British Columbia, indicate what may be expected in the United States if beer and light wines are admitted again to legal status. Quebec's experiment possesses particular interest to us. Public intoxication and crime in general have been largely reduced; the provincial revenues have been augmented by some $4,000,000 for the first year, and this sum is being used to build good roads, to support schools and to extinguish the public debt, which feat, it is estimated, will be accomplished in twenty years. The saloon is absolutely abolished, and the bootleggers, who before were abundant, have disappeared.

Commercial and industrial depression reached the lowest levels in the history of the country in the second year of national prohibition. The United States Secretary of Labor submitted figures to a Congressional committee during the year showing that six million workers were out of employment. The reform in our banking system is generally credited with having prevented a

total collapse of the commercial structure during 1921, yet at the same time the business failures of the year were the largest ever known in point of liabilities, which aggregated $627,401,883, or 75 per cent, greater than in 1914, the next largest year. The improvement in conditions in recent months, while gratifying, has not been powerful enough to affect all kinds of business or all sections of the country.

Undermining Law and Order

It will be admitted, I believe, that the greatest injuries inflicted by national prohibition are not capable of statistical demonstration. The Eighteenth Amendment opened a great breach in the constitutional structure, shocking to those who admired its logical symmetry, and highly dangerous in its invitation to further innovation. Giving full force to the plea that the amendment was adopted in strict accordance with custom and precedent, the fact remains that the people had no opportunity of directly expressing their sentiments regarding it, as would have been the case had it been submitted to conventions instead of legislatures; hence the faith of the people in representative institutions is greatly weakened. The Volstead Act and the supplements thereto are so contrary to American traditions and practices as to arouse widespread opposition. The workers rightfully regard such enactments as being practically class legislation, and their feeling of deep resentment is pardonable, all classes of citizens are united in their detestation of legislation based on falsehood and violative of the most cherished rights and privileges, and disrespect for all law is thereby fostered. In such conditions the professional law violator is likely to be tolerated and encouraged and the smuggler, the bootlegger, the moonshiner and the grafting official achieve wealth quickly and easily. These and the professional prohibitionist are the only persons in the community who prosper in the present situation.

Again we have the spectacle of sworn officers of the law deliberately violating the most sacred parts of the Constitution in an effort to enforce prohibition. Every time a vehicle is halted on the road and a person's suitcase or clothing is searched; every time private premises are invaded without a search warrant, the Bill of Rights, without the promise of which the Constitution could not have been adopted, is violated flagrantly. It is confessed by the prohibitionists in Congress that the Volstead Act cannot be enforced if the provisions against search and seizure in the Fourth Amendment are observed, and they have voted down propositions to punish officers who violate the Bill of Rights. The press teems with such instances of official tyranny and law-breaking, but, unfortunately, this species of crime cannot be presented statistically.

The youth of the land, the only hope of the future, is subjected to the most potently demoralizing influences. Never before in the history of our country has it been found necessary to forego the school dance, the community social, even the church entertainment, because of the fear—based on experience—that boys and girls would disgrace the gathering by getting drunk.

Finally, the real reason for the country-wide infractions of the Volstead Act is that it has not the respect of the American people, because it is a lie made into a law, and if there is one nation in the world that resents such an insult to intelligence, it is this nation of ours.

If every state, instead of some of them, had statutes to the effect that ½ of 1 per cent of alcohol was intoxicating, it would not make it any more true than if the same number of states were to say in their legislation that sweet milk is intoxicating. One-half of 1 per cent of alcohol is legally intoxicating, but it is a lie just the same. The law should be observed, but I maintain it is entitled to no respect.

As a final and conclusive proof of the definition of

"intoxicating," I quote from the decision of the United States Supreme Court, January 5, 1920, in the case of Ruppert vs. Caffey (No. 603, October Term, 1919): "The Government freely admits, since the present case stands upon motion to dismiss a bill which plainly alleges that the beer in question is non-intoxicating, we must accept that allegation as true and beyond controversy." This referred to litigation in which the 2.75 standard played a part, the government admitting that a beverage containing no more than that percentage of alcohol could not be intoxicating.

MAKING FOR LAWLESSNESS[1]

It would be lacking in frankness and sincerity not to point out two important and law-made influences which are now making, and seem likely long to make, for lawlessness in American life. The American people as a whole cannot escape full share of the responsibility for these two influences, although they are in part due, no doubt, to what Walt Whitman described as "the never-ending audacity of elected persons." The first is the Fifteenth Amendment, proclaimed in 1870, and the second is the Eighteenth Amendment, proclaimed in 1919. In form and in fact, and judged by all the usual tests and standards, these two amendments to the Constitution of the United States are part of the organic law, with all the rights and authority which attach thereto. Nevertheless, they are not obeyed by large numbers of highly intelligent and morally sensitive people, and there is no likelihood that they can ever be enforced, no matter at what expenditure of money or of effort, or at what cost of infringement or neglect of other equally valid

[1] By Nicholas Murray Butler. An address before the Ohio State Bar Association, January 26, 1923. p. 10-16 as published as Tracts for Today No. 11. Obtained from Post Office Box 213, Substation 84, New York City

provisions of the same Constitution. The purpose of those who advocated and secured the adoption of these two amendments was excellent, but they did not stop to deal with the realities of politics and of public morals.

The situation with regard to the Eighteenth Amendment is even worse, because the revolt against it is not confined to men and women of intelligence and moral sensitiveness in one section alone, but is nation-wide. It will not do to attempt to silence these persons by abuse or by catch phrases and formulas of the hustings. These men and women dissent entirely from the grounds upon which the case for the Eighteenth Amendment was rested, and they regard its provisions and those of the statutes based upon it as a forcible, an immoral and a tyrannical invasion of their private life and personal conduct. They have no possible interest in liquor traffic, and they are without exception opposed to the saloon. But they are equally opposed to making the Constitution of the United States the vehicle of a police regulation affecting the entire country, and dealing not alone with matters of public interest and public reference, but with the most intimate details of personal and private life, including food, drink and medical treatment. The moral sense, as well as the common sense, of very many people is affronted by a policy which will expend millions of dollars and use the methods of Czarist Russia and of the Spanish Inquisition to enforce one provision of law, while others of far greater significance and public importance are accorded conventional treatment or less.

It will startle many excellent people to hear the following sentences from the recent book of Outspoken Essays: second series, written by the Dean of St. Paul's Cathedral, London. The author, Dr. Inge, is one of the most learned and most eminent of English Churchmen. "Suppose," says Dean Inge, "that the state has exceeded it rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling, in such a case,

morally justifiable? I should say Yes: the interference of the state in such matters is a mere impertinence." [1]

Or if one crosses the Atlantic, he may find with increasing frequency expressions like these unanimously adopted by a recent Grand Jury in Kings County, New York, whose limits are identical with those of the community which has long been known as the City of Churches. Referring to the existing laws for the enforcement of the Eighteenth Amendment, this Grand Jury expressed itself as follows:

> Whatever may be our individual ideas upon the subject of temperance and prohibition, we believe that there can be no doubt but that this law tends to debauch and corrupt the police force. It interferes with liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men felons, because in their own conscience they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship, thinking one way, to interfere with the private conduct of another body, thinking another way. [2]

These are not expressions of a spirit of lawlessness. They are a simple declaration of the fact that lawlessness is certain to follow from some types of law. The answer which is made is instant and resounding. We are told that the Eighteenth Amendment was adopted in accordance with the provisions of the Constitution itself, and that its validity as an amendment has been affirmed by the United States Supreme Court. We are told then that all that those who disagree with its principles and purposes have to do is to accept defeat, to recognize themselves as in the minority, and to obey the law. Perhaps this ought to be the case, but it is not, and I greatly doubt if it ever will be, at least within the lifetime of any man now living. The majority is not

[1] By William Ralph Inge. Outspoken Essays: second series. New York, 1922. p. 134.

[2] New York Globe. December 29, 1922. p. 2.

always right, nor is its verdict final. The Old Testament records a leading case in which four hundred and fifty prophets of Baal were worsted single-handed by the prophet Elijah, who had God and right on his side. Four hundred and fifty to one is a very unusual majority, but it was not enough.

As Abraham Lincoln pointed out in his argument against the finality of the decision of the United States Supreme Court in the Dred Scott case, he was not violating the law or urging its violation. He did not propose to set Dred Scott free by force, in opposition to the court's decision. What he did propose, however, was to agitate and to lead an agitation for such political action as would make impossible the conditions which had led the Supreme Court to make its decision in that particular case. It is lawless openly to affront the law. It is not lawless to agitate for its modification or repeal.

No one who is familiar with the practical workings of our political system would expect either the Fifteenth or the Eighteenth Amendment to be repealed within measurable time. So far as one can see, therefore, we are shut up to the alternative of their attempted enforcement by soldiers and police and special agents and detectives and spies, or to their abrogation over a great part of the land by local initiative and common consent. Either alternative is humiliating and degrading. If our people have taken untenable and harmful positions in respect of securing suffrage for the colored man, and in respect of promoting the cause of temperance and total abstinence and in removing the abuse and the nuisance of the public bar, they should be willing to retrace those steps and start toward their wise and splendid goals by other and more practicable paths. I know of no one who dares to hope for any such fortunate outcome of the unhappy conditions that now confront us.

Speaking for myself, I may say that my first political activity in my native state of New Jersey was in co-

operation with colored men and on their behalf, and in support of movements to restrict and to abolish the saloon or public bar. In my own congressional district there were large numbers of colored voters who were eager, intelligent, and public-spirited. To see colored men of that type participate freely in the public life of other districts and other states would be a great satisfaction. But it is now plain to me that the road which was taken to that end was a wrong road. It has delayed, not hastened, the political participation of the colored man in the public life of the United States. Similarly, it was my fortune, as a member of the Committee on Resolutions of the New Jersey State Republican Convention of 1886, to give the casting vote in favor of the platform declaration which declared war on the saloon. That platform declaration is supposed to have cost the Republican Party that election, but it was a sound and true declaration none the less. Later, in the state of New York, it was my lot to work vigorously with those who attempted to drive out the saloon by use of the power of taxation. Therefore, I am personally committed through many years of practical political action to the cause of universal suffrage and to the abolition of the saloon. Perhaps, for that very reason, I feel so strongly as I do the disastrous mistakes that have been made, and the evil consequences that have followed and are certain long to follow in the life of the people of the United States. Surely there can be no more distressing and no more disintegrating form of lawlessness than that which arises from the resistance of intelligent and high-minded people, on grounds of morals and fundamental principle, to some particular provision of law.

The American people must learn to think of these things, and to give up that unwillingness, which seems so characteristic, to discuss or to deal with the disputed and the disagreeable. We have almost gotten to a point where public men, and those who should be leaders of

opinion, hesitate to speak until they know what others are likely to say, and how what they say will probably be received by the press and the public. There are not so many as there should be who are willing to take the risk of being unpopular for the sake of being right.

VICIOUS EFFECTS OF THE PROHIBITION ENFORCEMENT ACT[1]

The steady increase in crime and lawlessness in the United States has been the subject of grave consideration by the members of the American Bar Association. At the annual meetings of their members for the last two or three years this subject has been given the greatest possible emphasis. It has been shown repeatedly that the increase is out of proportion to our growth, and that there is a steady and growing disrespect for law. Our record of robberies, burglaries, and murders is a shameful one in comparison with any other civilized country. That there is a definite criminal class is recognized, though there is perhaps a tendency to exaggerate its proportions. The Department of Commerce reported a year ago that the total number of prisoners confined in Federal penitentiaries, state prisons, county jails, state and county chain or road gangs, city police stations and other penal institutions on July 1, 1922, was 163,889, which is less than ½ of 1 per cent of all the people in the United States over fourteen years of age. The prison figures include those who are serving short terms for violating automobile laws and health laws, as well as moonshiners, bootleggers and "drunks." Of course, the figures would be considerably larger if they included the roster of all persons who had passed in and out of county jails and city police stations during the year.

Statistical comparisons, which are always apt to be misleading, have been particularly complicated by the

[1] By Hugh F. Fox. Bulletin United States Brewers' Association, January, 1924.

enforcement of the prohibition law. The Attorney-General of the United States—Mr. Daugherty—reports that 70 per cent of the Federal indictments during the past year were for liquor violations. Over forty-nine thousand criminal cases were commenced arising out of the prohibition law. The Department of Justice declares that liquor smuggling is the most gigantic criminal problem the United States ever faced.

Judge William B. Swaney, chairman of the American Bar Association's Special Commission on Law Enforcement, writing for Current History (September, 1922) declared that "the criminal element in this country numbers less than ⅓ of 1 per cent of the entire population." He emphasized the fact that in crimes which indicate dishonesty of the people, comparisons show that "the morals of the common people are better than those of any other great nation," and that Americans in the main are honest.

When we speak of the "criminal class" we have in mind, broadly speaking, those who are guilty of crimes against property and crimes of premeditated violence. Such persons are not "accidental" criminals. They do not dispute that the law is "correct." They know that dishonesty is wrong and there is no doubt in their minds as to the justice of their punishment if they get caught. The decalogue has just as much moral sanction in the minds of criminals as it has in the minds of innocent people. Prosecuting attorneys and police authorities do not find it necessary to employ press agents and put out propaganda to justify or defend their actions. We don't hear of the Directors of the Mint tearing around to get people to stop counterfeiting, or the Commissioner of Internal Revenue straining his lungs to persuade us of the morality of taxation. The Attorney-General doesn't have to waste any energy defending or extolling the penal code, or the Secretary of Commerce proclaim from the house-tops that business men must not be crooks. We don't have to call on the Interstate Commerce Commis-

sioner to convince people that ladies and gentlemen mustn't hold up trains and rob the passengers. These are matters of common acceptance; there is no more argument about them than there is about the Ten Commandments!

The United States Prohibition Commissioner, however, feels it necessary to devote a large amount of his time to preachment and propaganda, and the lady Assistant United States Attorney-General, Mrs. Mabel Willebrandt, who has charge of prohibition cases, has to make special trips from Washington to Minnesota and other places, to address conferences on the problem of prohibition enforcement. The burden of Mrs. Willebrandt's plea is for "a rebirth of local responsibility and a reshouldering of the local share of the load." "The United States," she truly says, "cannot police the backyard of every citizen." From this and much other testimony it is evident that the Federal authorities have at last come to realize the impossibility of forcing prohibition upon the people by Federal policemen. "The function of the Federal government is to watch and police the sources of bootleg supply," says Mrs. Willebrandt, especially smuggling from Canada and other countries. In other words, the prevention of moonshining, of illicit sale, of liquor transportation and "home-brew" are local problems which the states and municipalities must take care of! The Federal agents can do the preaching, which is comparatively cheap—but the practising, which is mighty expensive, is up to the taxpayers of the "home-towns." At the recent Minnesota prohibiton enforcement conference, which was presided over by S. V. Qvale, the Federal officer for that state, Mr. Qvale suggested that law enforcement committees be organized "in every village, town, city and county of the state to cooperate with the officers employed in the enforcement of prohibition." Of course, no such gathering—or boil—would be complete without the adoption of a string

of resolutions among which was one destroying the illusion that prohibition has closed up all the jails, for it urged the establishment of additional county or district workhouses to which bootleggers could be sentenced to hard labor! The pearl of them all, however, was a resolution which called for a "deeper appreciation by all citizens of their 'obligation' to report prohibition violators, condemn drinking and in general promote public sentiment in favor of prohibition enforcement." Judging from the press reports, the sanest note was struck by the county attorney of Hennepin County, Floyd B. Olson. Mr. Olson stressed the necessity of gaining respect for the law before its enforcement can be made certain. "It seems to me the fundamental question goes deeper than severe punishment," he said. "Successful enforcement depends on civic conscience, on community conscience." He cited the larceny statutes, based fundamentally upon the Commandment: 'Thou Shalt Not Steal,' and declared that it can be enforced because there is public sentiment behind it.

The able editor of the Wall Street Journal had a piece the other day about what is the soul of the law, the spirit which gives it life. "English common law," he says, "had its basis in immemorial custom. It represented the sum of a people's practical experience in their relations with each other. It did not make legal offenses of what were not moral offenses. The citizen could be properly assumed to know the common law because he was assured that what was legally wrong was morally wrong. . . . Our fathers built a Constitution which had in it the soul of the law. It was not a matter of edicts or ordinances and still less of controverted opinion. . . . But when, by statute, we incorporate opinion, controverted by men of good life and high principle, as in the case of the Eighteenth Amendment, we violate the spirit of the law, and to that extent we weaken it. We put into the Constitution only a passing phase of public

opinion, of no more dignity or value than a city ordinance to regulate traffic at a given point. Obviously the fundamental law of the land ceases to that extent to be fundamental. . . . The motive in putting the prohibition amendment into the Constitution was to put a sumptuary edict, backed only by opinion, beyond the reach of repeal through an adroit use of the mechanics of legislation. But 'we, the people of the United States,' did 'ordain' the Constitution, and we can repeal it."

Why is it that the Volstead Act is so generally flouted and ridiculed? It isn't only that the Atlantic Seaboard is against it. The transplanted Puritans of the prairie states are just as scornful about it as the denizens of the crowded eastern cities.

Public sentiment, which vitalizes popular government, is not something that clamor can create. Advertising has performed miracles in creating new tastes. It has transformed a childish impulse to masticate and mumble food into a mighty hunger for chewing gum. It has put prunes on every breakfast table and made apples and raisins household necessities—but no amount of advertising or press-agenting can destroy a taste which is common to every race and tribe, and which has thousands of years of family custom back of it. Nor can new sins be made by mere preachment. There must be something inherently faulty in the Volstead Act itself.

First, the workman has long believed that the campaign for national prohibition was financed by the employer for the purpose of increasing output. In the language of the factory "it was done to exploit labor." At first this was merely a suspicion, but the Anderson revelations in New York established the fact that the Rockefellers had secretly been heavy contributors to the Anti-Saloon League's fund, and this was enough to justify in the worker's mind all past suspicions and to breed a horde of new ones. So gravely philosophical a paper as the Villager assures the laborer that

It was to make sure of industrial teetotalism that the country now has prohibition. . . It was the industrial movement which made use of the moral movement, and so achieved the Eighteenth Amendment.

Second, the laborer knows that rich men, including the factory owners and executives with whom he comes in contact, have not ceased to drink personally. Naturally, properly and with instinctive love of liberty, the worker resents the situation. However temperate his prior habits may have been, he is now denied one of his pleasures and relaxations. Further, he knows that nature herself has decreed that he who, pent in by brick walls, performs hard physical labor is refreshed by mild beverages. He feels a craving not for an intoxicant, but for a stimulant, and he knows that while this is denied him, the very employer who clandestinely paid to bring about this imposition is himself enjoying all his old liberties. Worse still, the poor man knows that when his wife or children are ill, they suffer or perhaps die for lack of that which is to the employer and his pocketbook a mere bootlegging transaction in cynical disregard of the law he helped to make.

Confiscation

To many, the employers seem to be singularly blind in their attitude toward some of the Volstead Act's provisions. Surely that class of our citizens who should be most concerned to fight against laws confiscating private property is the employer class. Yet their law—the Volstead law—is a confiscating statute. A few years ago a barrel of whisky was private property; objectionable property if you will, but property none-the-less, manufactured under government supervision, gauged, stamped and taxed by Federal officers. So, breweries and distilleries and their contained machinery were private property, duly recognized and taxed. Then came forward people saying, "We do not approve that kind of prop-

erty; we think it works harm to the people; and because we do not approve it, we demand that it be confiscated," and in effect, confiscated it was.

But there are many people in this country who do not approve accumulated or inherited fortunes, believing them to be harmful to the people; indeed, some of those among us do not approve any kind of private ownership. When the time comes that these classes demand confiscations to suit their beliefs, the employers will be in no position to turn to the working man for help in sustaining property rights; for the poor man may well reply, "No, it was *you* who made this precedent, and you made it for no good purpose, but with the intent to rob me of my hours of relaxation, so that you might get more work and more profit out of me."

Employers should note that the factory poll taken by the Literary Digest, as well as the vote of the unions affiliated with the American Federation of Labor, show in many trades a practical unanimity against Volsteadism.

Let us at least open our eyes and see that the age-long fight between labor and capital has been intensified and embittered through national prohibition — and this to the danger of our country.

Disrespect for Law

Another collateral result of Volsteadism—one utterly unexpected by the prohibitionists—is widely manifesting itself in disrespect for law, which has become so grave that President Harding called it the "most demoralizing factor" in our public life.

The prohibitionists cry out that the people are wrong and should obey the law. The people answer that it is the law which is wrong, and should be changed. Certain it is that either the law is wrong and should be changed or the people are wrong and should be changed. And the voters will sooner or later have to decide which of these jobs they will undertake.

Why this law should be held in such contempt by people who are otherwise law-abiding is still a matter of controversy. Some condemn it for one reason, some for another. A leading New England newspaper sees in the public's attitude a warning that we should "begin a serious study of all laws which do not command public favor" because in a Republic *"a law which does not command public support is not a law—it is a form of tyranny."*

One who studies the psychology of the subject is inevitably struck by the anomaly that while state prohibition laws were generally obeyed and respected, people seem to feel it a sort of duty to flout the Volstead Act. And inquiry quickly reveals at least one reason—a belief that the law was passed not by a man's neighbors, who had an interest in him and his affairs, but by some one living at a distance, by strangers acting in a spirit of meddlesomeness. The Marylander is quite willing to yield even respect and obedience to a law he believes oppressive, provided it was passed by his own people, but his innate sense of independence resents the effort of Kansans to impose a law on him through what he believes to be a smug piece of sanctimonious humbuggery. "If Kansans," he says, "want prohibition and believe it good for their people, let them have it by all means; but why should Kansas meddle with Maryland? I am not forcing anything on her against her will and I'll not have her force something on me."

No good can come from merely berating the public because a law is disobeyed. There are two sides to the subject. Undoubtedly there is an obligation on all of us to obey the law, but in a free country there is a corresponding obligation on the part of the lawmaking bodies to enact only such measures as are fair and reasonable and will command the support of public opinion. Those lawmakers who foisted national prohibition upon us committed the first and the great wrong, and upon them rests the responsibility for our present lawlessness.

Getting down to rock bottom. The reason why smuggling, moonshining, bootlegging, and the illicit manufacture of intoxicating liquors flourishes in every nook and corner of the land is because of the popular demand for alcoholic beverages. The trade follows the flag into every hamlet. The Volstead Act is in disrespect because it has not registered itself from any standpoint which carries conviction to the minds of civilized people. It has indeed created disrespect, stimulated disaffection, and bred crime. Some day perhaps the people may tackle the Eighteenth Amendment itself, but the present task is to amend the Volstead Act so that it shall at least conform to the spirit and intent of that amendment.

With the single exception of the Eighteenth Amendment, every amendment to the Constitution has enlarged the field of human liberty.

When the American people realize the ghastly failure that has attended the Anti-Saloon League's brand of prohibition, they will adopt sane regulatory legislation, so drawn as to promote true temperance.

SOME OF THE EVILS OF VOLSTEADISM[1]

Effect Upon Our Government

First, is the effect upon our government — as distinguished from the effects on individuals. President Harding recognized both the existence and the gravity of this danger when, recently, in a public speech he pointed out that the prohibitionists had "sought by law" to remove strong drink as a curse upon the American "citizen," and then solemnly added that we must now recognize that the problem involves "a menace to the Republic itself."

[1] By W. H. Stayton. Annals of the American Academy. 109: 30-8. September, 1923.

The President may have differed from others as to the remedy to be applied, but he was alive to the danger; and yet what shall it profit us if we reform the habits of some drunkards and lose the Republic?

And what, specifically, is the danger?

Probably, even on Thanksgiving Day, this generation has forgotten to render gratitude for the atmospheric oxygen on which our mortal lives depend and for the Constitution which is equally the source of our national existence. But let the oxygen supply be but briefly interrupted and there loom visions of the black hole of Calcutta. Like results will inevitably follow, nationally, if we abstract from the Constitution its vital principle. That Constitution, founded by the people of the several states, created for their purposes a piece of governmental machinery to be located in Washington. But that Federal machine was to be the servant, not the master of the people. It was ordained to receive and obey instructions, not to say to its masters, "Thou shalt not!" Today our former servant rules—arrogantly rules—in our house.

Americans, thanks to the wisdom and determination of their forefathers, have been so prosperous and happy that they are slow to believe that serious governmental evils may come to them. Yet it is evident that in these days we are beginning to talk more of the Declaration of Independence and to reflect upon the similarity of our present situation and our ancestors' complaint that the government had "erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance."

Those who see in the Federal encroachments, growing out of national prohibition, a danger to the Republic itself may well ponder on John Fiske's warning:

> If the day should ever arrive (which, God forbid) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent out from Washington, and when the self-government of the states shall have been so far lost as that of the departments of France, or even so far as that of the counties of England—on that day

the progressive political career of the American people will have come to an end.

The Federal government was created to deal with only those functions which could not well be handled by a single state. International affairs were a fit subject for Federal power, as were such matters as interstate commerce, affecting more than one state. But the very spirit of the Constitution was that each state should forever keep power over its local affairs. This spirit has been destroyed by the Eighteenth Amendment, under which the right of local self-government is torn from the individual states, whose people are made subject, even in the small routine affairs of their daily lives, to those living in far distant localities and under other conditions.

And this brings us to a vital point, going to the very foundations of federations such as ours. A geographically small country with a homogeneous population may endure sumptuary laws which are uniform through the land. But the United States, with its northermost point far up in the Arctic, stretches through the temperate zone, thence through the northern tropics, past the Equator and deep into the southern tropics, and from east to west we extend more than half way around the earth. We have become a huge country embracing vast climatic ranges, and including in the union people of divers origins, differing physically and in faiths, thoughts and habits.

Obviously, to hold such dissimilar groups in happy combination, there must be the fullest practicable measure of local self-government and personal liberty, and there must be tolerance and toleration, a kindly national spirit of give and take. For any one sect or section to impose by force its sumptuary views, however worthy, upon those of different thought must necessarily lead to misunderstandings, setting class against class, and tend toward

disintegration. Cool-headed Americans can hardly fail to see today the operation of this tendency.

Those dwelling in large cities and trying earnestly to solve the pressing problems of life under hive conditions feel that impracticable regulations have been forced upon them through the vote of those living in rural communities and happily unable to hear nature's cry from the crowded tenement. Nor is the city man unaware that, while the Enforcement Division denies him even his mild beverages, yet it, relying upon the rural vote for support, has failed to issue like regulations for the country districts, and continues to permit the farmer to have his hard cider, his home-made wines and his fermented juices. Thus is enmity born between rural and urban brothers, and thoughtful citizens may well take heed now lest retaliations follow when comes the inevitable day in which the city vote will be in the majority.

Poor vs. Rich

Even greater is that menace of Volsteadism which set the poor against the rich and gave the laborer a just cause of grievance against his employer. This antagonism rests on two facts, one having to do with the law's origin and the other with its enforcement.

One senator, in warning his colleagues of the folly of their proposed course said, "I do not think a prohibition amendment will be effective. You cannot make any law stronger than the public sentiment which sees to its enforcement." That senator was Warren G. Harding.

Official Hypocrisy

The second obvious factor in creating the present state of contempt for and disobedience to the Volstead Act, is found in the public's knowledge that those who drew the law and voted for its passage do not even pretend to obey it. The specific confession of such "drys"

as Upshaw make it unnecessary to cite cases. People with ideas of liberty are not inclined to obey laws confessedly hypocritical and concededly passed by hypocrites. Indeed, the student of government will find in this instance something graver than even hypocrisy. For our Federal officials, even those in very high places, do not hesitate to say, in effect, "Yes, I disregard the Volstead Act, for I am a gentleman and an educated man and I know how to drink and when to stop. The law was not really intended for such as we are, but for the other class of our people, and it is for their good to have it." No man knows what may happen in a republic when those who make, administer and execute the laws have come to think of "their people" much as they do of "their cattle." Certainly this is not democracy, and certainly the "cattle" are going to continue their resentfulness and to work for a change.

The Misused Slogan of "Law and Order"

For a time it seemed that the Anti-Saloon League's "Law and Order" slogan might be sufficiently potent to rally a majority of the people to support the law so long as it remained on the books. But when the conduct of the Anti-Saloon League's officers brought them into contact with the law, they quickly showed such an evident intention of disobeying and fighting it that their insincerity was publicly manifest and the influence of their clever catch phrase melted away. Few men were willing to be longer duped by Anderson's cry, "Respect the Law," when he himself and the clerical members of his Board were refusing to give information to the Grand Jury and the duly constituted legal authorities of the state. Then, when in New York the Anti-Saloon League failed to promptly and frankly obey the court's order to file its accounts of receipts and expenditures, the mask of hypocrisy was quite torn off; and, unhappily for

those who believe that *all* laws should be obeyed, there was at once a reaction on the part of the deceived. It is unfortunate, but it is inevitable, that if those who lead a reform movement lose the respect of their followers, there will come a tidal turn which will injure the movement regardless of its merits.

Before there can again be proper respect for law in this country, the authorities and the Anti-Saloon League must show some of such respect. At present they are setting the example of disregarding all laws and decisions which do not meet their approval. The "Search and Seizure" laws are notoriously disobeyed by those sworn to enforce them and to protect public rights. Two Federal judges have decided that the regulations restricting doctors in their prescriptions are unlawful, yet the authorities tyrannically refuse to yield obedience and continue to violate their oaths and oppress the poor and sick.

Real Temperance Has Been Set Back

It will be remembered that President Harding, who had definitely assumed the leadership of the National Prohibition Party, described the "dry" program as an effort to remove "strong" drink. Yet, oddly enough, these very people, in their zeal, went so far beyond the proper limit as to defeat their own purpose. Doubtless the President was right in interpreting public opinion as hostile to strong (rather than mild) beverages, and as recognizing the fact that the first step toward real temperance should be the substitution of mild beverages in place of spirits. And this very public opinion had, in the course of recent history, brought about a steady and important growth in this substitution.

In 1850, for example, the national per capita consumption of distilled spirits was two and one-quarter gallons; by 1900 it had shrunk to one and one-quarter

gallons; and in 1919 it was down to three-quarters of a gallon. Malt liquors were increasingly used as substitutes. The actual amount of *alcohol* consumed (per capita) remained substantially constant, but it was taken, progressively, increasingly diluted and in less harmful forms.

This at least meant that drunkenness and alcoholic excesses were becoming less and less prevalent; and, in this respect, popular observation confirmed the story told by statistics. All observant Americans more than fifty years of age had, up to 1920, noticed a marked national change in the direction of sobriety.

But with the coming of national prohibition, that tendency was reversed. Malt liquors were too bulky for the bootlegger, and the country has given up its cocktails and gone back to strong drink taken "straight." Even women and girls drink from the bottle.

The drinking of beer is not, of course, abstinence, but it certainly is not in conflict with real temperance; and, however good the motive, those who drive a people from mild to strong drinks injure the cause of temperance.

To this, the prohibitionists reply "the responsibility for this state of affairs rests not on us, but on those who drink in violation of law."

Not so. Formerly, a man had, and realized that he had, the right of self-determination as to drink. He was free to take it or refuse it. The moral responsibility and the right of choice were the individual's. Now he has been deprived of the right of choice. Someone else—the lawmakers—have assumed the responsibility for deciding as to the individual's conduct. None can fail to understand the psychology (and the danger) in the reply of a half-inebriated clubman who recently, rejecting a suggestion that he stop drinking and sober up answered, "Speak to the enforcement officer about it; it's his job to stop all drinking and I assume none of the responsibility."

In these unforseen ways, the national prohibition law has set back real prohibition for at least a generation. Indeed, it may develop that the children of this generation will drink more than did their grandfathers, for today, in many homes, the little boys and girls (just at the imitative age) watch their parents in the home brewing, and know to a nicety the proportions of raisins, sugar, etc., called for by the favorite recipes.

Our International Standing

One of the great disappointments—one may even say "shocks"—of national prohibition has been its effect on our international reputation. However much a certain class of speakers may boast as to our national omnipotence and self-complacency, it remains the fact that with nations, as with women and men, the respect, friendship and good-will of one's neighbors and associates is a precious treasure. Indeed, this is more important in the case of countries than of individuals, for the very peace of the world and the ending of wars depend on international faith and respect.

Did any nation ever stand higher in the world's respect than we stood at the end of 1918? The other nations said that we had saved their very lives, and they believed us generous and altruistic.

Why have they cooled and fallen away?

Some say it has to do with debts, but that, while perhaps having some effect, is not the whole truth. Prohibition hypocrisy is in great part to blame.

Frequently one can better judge the conduct of a nation by reducing it to its simple terms and comparing it to the behavior of an individual. Suppose, then, that some man had saved your life at the risk of his own, and having in your moment of despair, treated you with unparalleled generosity, and having freely given the lives of his sons that yours might survive, he should afterwards differ from you concerning a monetary obligation.

Could that, by any possibility, make you forget his sacrifices and his worth and turn against him and his? Surely not.

But if that man should afterwards do something hypocritical and dishonest, and if he should arrogantly claim the right to regulate your private affairs, and if he should show a willingness to abandon his chosen moral code when there was money to be made from the abandonment, then, in sadness, you might turn from him. A calm consideration of the facts will show that our officials have so acted in prohibition matters as to put the nation in just such an unfavorable light; and our friends have turned their faces because they hold us, as citizens, responsible for the acts of our government.

First, we declared ourselves to be a nation of prohibitionists; we tooted our moral horn somewhat loudly; then we sent our leading pussyfooters to persuade the wicked nations to adopt our high standard of morals,—this with more horn tooting. These acts were received abroad with some misgivings but with general respect, and certainly with a belief in our sincerity.

But suddenly, we found that our national pocketbook was being touched; we—that is the taxpayers—owned ships and carried passengers on the high seas. Passengers wanted to drink and were ready to pay for the privilege, so our upturned eyes were closed to the law and to all of our self-righteous protestations, and we went—as a nation—into the business of "keeping bar" on board our ships for profit. But we didn't adopt the method of the crusader conscious of the rectitude of his course; we didn't openly admit at home that we had gone into the liquor traffic (after all that we had said against it); we didn't openly advertise in this country, but ran our ship-bars on the confidential lines of our well-known national institution—the "Speak-Easy." And when we were caught at the game and stopped—with much official weeping—our foreign friends naturally be-

gan to doubt our sincerity, to wonder whether we were really as much better than they as we claimed to be.

Then leading foreign officials coming to this country in connection with postwar adjustments, four-power conferences, etc., were entertained in Washington, officially and privately, in the presence of our great men of the legislative, executive and judicial departments. The guests were amazed to learn that between practice and our preaching there stretched the broad gulf of national hypocrisy. Our visitors saw the things of which Upshaw threatened to speak, and they carried the truth back to their homes.

Next came the question of liquor on foreign ships casually visiting our shores. Our foreign friends believe, as most Americans believe, that the Eighteenth Amendment was intended to apply only to the United States, and was not designed to interfere either directly or indirectly with a foreigner's life and habits on the high seas under his own flag. But our officials would not have it so; in vain did the foreigner plead that what liquor he had on board his ship under seal could not be used for "beverage purposes within the United States." We would not listen. With attitude of high resolve and stern morality, our officials said to all the wicked outside world, "No, rum is a curse, it shall not enter our waters." And then, to what we may well believe was the amazement of the wicked, these same officials added; "At least you shall not bring that rum into our ports where we can't collect any tribute from it; but of course if you want to take it through our waters at Panama, why we're ready to let you pass, for we have some millions of dollars in tolls at stake there and can't afford to let our piety stand in the way of profit."

So the foreigner—why shouldn't he—has come to think of us as hypocrites. All—or at least much—of that splendid good-will and affection won by the work, sacrifice and devotion of our women and the blood of

our young men in the dark days of 1917 and 1918 have been frittered away.

Prohibition has brought in its train the loss of America's precious good name and has diminished her influence for peace on earth, good-will to men. In the language of the Boston Herald (generally a supporter of national prohibition) : "Whatever one's views are regarding prohibition, we ought as a people not to make ourselves ridiculous. We ought not to be a swaggerer among the nations."

And well might President Harding point out our present course as bringing "disrespect upon our country" and as one to "be pointed to as justifying the charge that we are a nation of hypocrites."

The Church in Politics

Probably all agree, at least theoretically, that liberty is endangered when the church and the state form a partnership.

In this country there has been determined hostility to the Catholics, founded on a belief that their priests and churches mixed in politics. The Protestant churches have claimed clean hands in the matter. But national prohibition has done away with this state of affairs. The Anti-Saloon League sends its agents and collectors into the churches of the younger Protestant denominations. These congregations open their pulpits to the league's agent and join with him in splitting commissions on the collection. The league advertises itself as "The Church in Action" and the churches acquiesce.

But the Anti-Saloon League is a political organization. Not only is this obvious to all open-eyed men, but the Supreme Court of New York has so decided. Yet these Protestant churches continue their participation in the partnership.

The precedent is at least dangerous. It may or may not be true, that the Catholics have heretofore offended

in this particular. Certainly they have now a vicious precedent ready for use. They may choose to go into politics. Some sects have succeeded in working into our national statutes one clause from their book of church discipline. Similar efforts may be made hereafter. The Catholics and the denominations now really opposed to mixing affairs of church and state may be forced to enter politics as a matter of self-protection, and, whether they go in from choice or necessity, the result will be evil and the blame must be laid at the door of the Protestant prohibitionists.

Prohibition's Effect on Industry

As to the great desirability of stopping the evils flowing from alcoholic excesses, all were in accord. Differences of opinion existed solely as to the wisdom and efficacy of the proposed remedies. If prohibition had brought no accompanying evils, and had proved efficacious to the point of accomplishing half the good predicted for it, none would regret the monetary cost nor cavil at the industrial damage done. But when prohibition laws fail, as they have failed, to bring either prohibition or sobriety, and when they father a horde of calamities, one may fairly count the financial figures. For a moral success, nothing that we pay is too much, but for a moral failure, anything we pay is too much.

We are paying enormously—with threats of more to come. Taxes—national, state and municipal—are being sacrificed to the extent of a billion dollars per year, and bootleggers get the money that should go to reduce tax-burdens. Millions are being spent on an enforcement division, and now they say that we must pay one hundred millions for an addition needed in New York alone. About one hundred and forty-six thousand men have been thrown out of employment in this country and their work is now performed by foreigners abroad who are making and smuggling into the United States the beverages formerly made here.

If the illegitimate drinks now being sold in this country were replaced by home manufacture, or if they paid legitimate duties, we would need no income tax law.

If the five million acres formerly given over to the raising of barley for non-intoxicating cereal beverages, now prohibited by the Volstead Act, were again put to their former use, every farmer would get a fairer price for his wheat and corn.

Other Evils

The subjects here discussed by no means exhaust the list of indictments against national prohibition. Increase in crimes of violence, congestion in the courts, sale and use of narcotics, violations of civil service principles, prostitution of public bureaus to political ends, bribery and corruption among officials, growth of insanity and blindness, the degradation of the automobile, and the insidious moral dangers to which maidens and youths are subjected, all deserve more lengthy treatment than can here be given them.

Against these we must weigh whatever benefits these laws and conditions have brought, not neglecting what seems likely to be the one lasting blessing for which we must give thanks to the prohibitionist,—that is an aroused public opinion as to the wisdom of the Fathers and the national necessity of returning to the paths they blazed in the great Constitution they devised for us. Too long we had neglected it, but now that violent hands have been laid on it, we realize that one sure way to destroy the precious document is to load it down with unenforceable provisions. Our eyes begin to see again, the states begin to resist unwarranted aggressions, and women and men are aroused to a new individuality and have a larger sense of tolerant liberty which promises to bring back to the nation even more than was lost through our negligent good nature.

WHY DOES NOT PROHIBITION PROHIBIT?[1]

Is the Eighteenth Amendment to our Constitution, enforced through the Volstead Act, supported by the various and individual state acts of enforcement, successful today in solving the intoxicating beverage problem? I have asked myself this question and have kept my ear to the ground, like the farmer who comes to town to learn the news, and I still hesitate to reach a conclusion. Prohibition has solved the problem for those who have gone the wood alcohol route, the synthetic gin route, the poisoned whiskey route. These lives have paid a dear price and as a man I pity their untimely ending. I am not heartless enough, to think even for a moment, that they deserved their fate because they violated this law. No! A thousand times NO. We Americans have so many laws that it is impossible not to break one almost daily. If you drive an automobile you violate the law time and again. In the same manner, if we prohibit, by statute, "the manufacture, sale or transportation of intoxicating liquors," we make a law that, through legal interpretation is impossible not to break. [sic]

The Eighteenth Amendment reads:

> The manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States, and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The language is simple, but far from plain.

It would appear that it was the intention of the framers of this statute [sic] to prohibit intoxicating liquors for beverage purposes in the United States. If one has ever attempted to write law, or to state in a few words something that affected a great many people, he will find that English is at best a difficult and trying language. Our foreign friends ask, What do you mean? They learn our

[1] By Dr. S. Dana Hubbard. New York Medical Journal. 118: 108-11. July 18, 1923.

language from tutors and books and then come here and find that neither can they make themselves understood nor can they understand us. In thinking one's way through the prohibition problem one must be careful, cool and considerate. Nowhere is the judicial calm more necessary.

The Eighteenth Amendment to the Constitution is enforced by a Federal law known popularly as the Volstead law. The law was enacted by the process prescribed by the Constitution. No referendum was taken for the reason that no referendum is provided for by the Constitution. This amendment was adopted in precisely the same way in which the previous seventeen amendments were adopted.

So much for legal regularity.

Some people say "they put one over on us," another says "I had no voice in the making of this law and so I do not have to stand for it." Now my friends, all of you who can read, know that this law was debated as early as 1913, when in Columbus, Ohio, a movement was launched in behalf of national prohibition. All through 1915 and 1916 this subject was debated in church and platform [sic] throughout this country from every point of the compass and almost continuously discussed by the press.

Historical Facts

About fifty-three years ago the Prohibition Party was formed. About forty-nine years ago the W.C.T.U. was organized. It was about twenty-nine years ago that the Anti-Saloon League began its work. The state of Maine adopted prohibition in 1851, Kansas in 1880, North Dakota in 1889, and Georgia in 1907. By their own acts thirty-three states voted prohibition as a state policy before national prohibition was adopted. Before prohibition was nationally adopted the balance of fifteen states saw an added ten join these ranks. In 1918 there were 3,030 counties in the United States and of these 2,392 had voted "dry"! These records no doubt show to any open mind

what a good many of our voters actually think on this question from a political point of view.

How Was This Amendment Achieved

This is an important question, because it is by knowing "when and why" it is expected to determine what part of our people are behind this regulation.

The resolution submitting the amendment to the states was passed by the United States Senate on August 1, 1917, and by the House on December 17, 1917. The Senate voted sixty-five to twenty; the house voted two hundred eighty-two to one hundred twenty-eight. Forty-six of the forty-eight states have now ratified the amendment. In forty-five state legislatures the total vote for ratification was twelve hundred eighty-eight for to two hundred thirteen against in senates, while in the houses the vote for was thirty-seven hundred thirty-nine to nine hundred thirty-four against. Thirty-six legislatures are required for ratification.

So much for the economics [sic] of the situation. Now for the civics. Who did this? There are those who have analyzed the situation and are of the opinion that it was as usual, "the intelligent minority," who through publicity and money put it over. Who are the intelligent minority? If reading puts light on this subject I would indict all men and women behind big business. This includes life insurance interests, scientists, philanthropists, college men, physicians, teachers, public health officials, welfare workers, railway interests, mining interests, many important industrial groups, and lastly our churches and their allied helpers. Such are the facts as given in our statistics, our press, and our class [sic] journals. Informed and intelligent persons, believing in a democracy, a government "for, of, and by the people," [sic] know that what can be made legal by a due process, if a mistake has been made, can be amended or repealed, if necessary, to meet the wishes of the majority of those governed.

Aspects of the Present Day Liquor Problem

As a preface to this consideration, we will refer to our text "Why Prohibition Does Not Prohibit," because, in our experience, statistically and circumstantially, here and elsewhere, in this country, my conclusion is that so far prohibition has not prohibited and I am desirous of learning the reason why.

Will national prohibition prevent alcoholic indulgence? The answer is probably best given by asking if state prohibition has stopped alcoholic indulgence? We have shown here that prohibition has been on trial since 1851, and that thirty-three states voted prohibition before the adoption of national prohibition. What have been the consequences?

Prefacing our argument, let us be fair and state that as yet the machinery of enforcement and the education of the people have not been adjusted to this novel requirement. Men with will-power and brains correct and check bad habits as early as indications show that such practice is bad. Others do not lend themselves to correction so quickly. The feebleminded person has will-power materially impaired and cannot break evil or vicious habits. The saloon has been closed. The beer and whisky signs have been painted over. But we are informed that though the statute is on the books, and there are some officials trying to enforce the statute, and some courts are puzzling over interpretations of the language, anyone anywhere who has the price and knows "the ropes"—because it is not done openly—can get liquor. This I am sorry to have to state publicity is also the national situation. The statistics of enforcement clearly demonstrate that liquor can be had today, three years after the initiation of this regulation.

The national government operates on a fiscal year, July 1st to July 1st. Today, the newspapers inform us that there are pending 68,562 prohibition cases in the Federal courts alone. In addition there are many more

thousands of cases in state and municipal courts. Comparison of annual reports show heavy increases of such cases instead of a reduction, which would be the reaction if the public were inclined to cooperate with this regulation. If this proportion continues, "it will be—as one of our wits, recently remarked—more fashionable to be on the inside looking out than on the outside looking in." (Meaning of course a jail.)

The prohibition bureau turned into the treasury a total of $4,804,271.95 for fines collected in a year; 35,469 persons have been indicted for violation of this act. Such wholesale deviations from the spirit and intent of this regulation are not indicative of cordial cooperation.

The experience of the Department of Health is shown in the following table:

Reported Deaths from Alcoholism

Year	Alcoholism	Wood Alcoholism	Acute Alcohol Poisoning	Total
1910	621	6	8	635
1911	636	6	2	644
1912	570	4	3	577
1913	656	3	2	661
1914	660	5	0	665
1915	562	1	2	565
1916	687	2	1	690
1917	560	8	2	570
1918	252	4	1	257
1919[1]	176	38	1	[1]215
1920	98	29	0	127
1921	119	14	8	141
1922	272	15	8	295

Interpretation.—The yearly experience total shows a gradual reduction with occasional increases. In 1918 the year prior to the prohibiting amendment was the best of the series. In 1919 and 1920 the reductions were attributed to the amendment. The sharp rise in 1922 is disquieting. This total is actually greater than that of 1918 prior to national prohibition. The totals for wood alcohol indicts prohibition as not in a single prior year

[1] The first year of national prohibition.

was there an approximation of such an experience as was had in any of the years of prohibition.

The following table gives the number of admissions of cases of alcoholism in the city hospitals.

Year	Bellevue Hospital	Kings County Hospital	Total
1918.....	728	1,030	1,758
1919.....	623	736	1,359
1920.....	390	651	1,141
1921.....	2,503	842	3,345
1922.....	4,083	1,541	5,624

The Commissioner of Health sent out a questionnaire to every hospital in New York city asking for a report on the number of admissions to their wards for the previous five years where a diagnosis of alcoholism had been made on any patient. Twenty-nine hospitals responded, reporting as follows:

Year	Total	
1918	5,710	
1919	4,877	
1920	3,941	
1921	4,338	
1922	6,868	Aggregate 25,934

The figures show an increase in the number of cases of alcoholism in all the institutions specified of 50 per cent over the figures for 1921, more than 70 per cent over 1920: 40 per cent over 1919 and 20 per cent over 1918.

The total arrests for drunkenness reported by Police Commissioner in New York, are as follows:

1918	5,323
1919	5,562
1920	5,936
1921	6,237
1922	7,866

This five year period shows that the lowest number reported by the police commissioner was in the year prior to prohibition. Since this period there has been an

ascending amount year by year. The year 1922 showing a 47 per cent increase over 1918.

What Is the Attitude of the Medical Profession

Medical men have been sorely tried by this regulation. A cursory reading of the amendment, one would think, would show that the manufacture, sale or transportation of intoxicating liquors for beverage purposes, was not in any way connected with the healing art. How, and by what argument, public officials interpreted this law to apply to the practice of medicine is beyond my powers of comprehension. But they have, and have established the most complex and time consuming regulations regarding medicine and alcohol that is annoying, interfering, and preventing proper practice. The largest group of physicians—the American Medical Association —through its house of delegates went on record relating to the attitude of medicine in reference to alcohol and healing. Later a questionnaire sent to a large number of doctors in active practice showed by a small majority, 51 per cent to 49 per cent that physicians considered whisky a necessary therapeutic remedy. We are informed by the press through the director of prohibition that in New York state there were twelve thousand five hundred physicians holding permits to prescribe whisky in 1921. There were fifteen thousand six hundred two doctors duly registered in this territory at this time. During this period 20 per cent of the prescription blanks furnished physicians for prescribing alcohol for the sick were used. This is an average of seventy-six prescriptions for alcohol out of an allottment of four hundred a year for each doctor.

This is an eloquent reply to the question of medical cooperation in the face of the most bedeviling regulations. Physicians as a class dislike and oppose anything that restricts their best intentions in the treatment of

their patients, and they nevertheless are in duty bound to encourage and aid in the proper enforcement of all laws.

Bootlegging, Illicit Importation and Sale

The Eighteenth Amendment has occasioned a vast army of illict traders in alcoholic beverages, perhaps the greatest in history. If personal experience is an indication of the vastness of the extent, it may be multiplied in imagination *ad lib.* England charges a tax of $2 on each gallon of liquor exported. The press informs us that there was exported to the Bahamas one million, two hundred thousand gallons last year. Recently there was arrested a man known as the king of the bootleggers. It was openly stated that this alien, of a few years' residence had amassed a fortune of several millions. A bootblack in a village on Long Island, openly exposed in a barber shop sixteen one thousand dollar bills. Grapes which formerly went into grape juice—the unfermented kind—sold in the market for $75 a ton. Last season grapes brought as high as $350 a ton.

Instead of public house—saloon—indulgence today we have home drinking. There has been noticed in many localities an increase in school absentees, in cases of incorrigibility, and a marked increase in drinking and hip toting among young people, who evidently think it smart. It is well known that children are great imitators and have the habit of mimicking their elders, and these innocent little ones think this drinking is mannish and smart. Sad to relate, immoderate indulgence by the youthful leads to many unpleasant conditions. Promiscuous relations are embarrassing and our officials report an increasing number of children born out of wedlock.

And so on and on *ad infinitum,* but these reactions are to be expected under present unfortunate conditions which have been brought about by opposition to this amendment. The naturalist and trainer knows that to

accomplish anything in training animals, a little progress should be made, time after time. Now the prohibitionist could not stand for abolishing hard liquor or taxing it out of existence, but extremist that he is, takes his unpleasant medicine all at one gulp, with the natural reaction that an unprepared stomach rejects an overdose. The public would have no doubt stood for partial regulation, but an absolute annihilation was attempted, and instead of the result desired by all intelligent and thinking individuals, opposition and abuse were the result. Not only opposition and abuse of this one act but prominent men, the press, in lecture and in news, inform us that all law is brought into disrepute. Crime is certainly on the increase.

A final indictment, in this locality at least, is that prohibition appears to have shifted a normal 95 per cent beer drinking population to a hard liquor group. May we not here ask, if this is permitted to continue, what will be the effect on our public health?

Why Does Prohibition by Statute Fail to Solve This Problem?

Governments cannot improve man. It is the task of man to improve governments. Every attempt to improve morality by law is productive of disorder. Temperance cannot be made possible by statute. Temperance cannot be bought. Legislation often fails. Education never does. There is one safe, sure way to make progress, moral progress at least, and that is, through the hearts of informed men and women. Perfection is a priceless possession and good conduct is the characteristic of the intelligent. Dr. Brookfield, an ardent advocate of temperance in England, remarked on this subject in 1841—it was true then, it is true today—"Temperance, you know, is not abstemiousness (prohibition) but well proportioned use of things."

The one simple fact is positive—legislation covering drinking of intoxicating beverages is not going to be respected and public statute is helpful in government only so far as it is respected and willingly supported by public opinion and absolutely no further.

Conclusions

State wide prohibition has not prohibited and national prohibition is also for this one reason doomed to failure. America is a temperate, intelligent nation and has fought for and loved freedom. Prohibition by statute annihilates personal liberty.

Prohibition fails because the United States is bounded on the north by hard liquor, on the south by liquor, on the west by rum and on the east by no limit.

It may well be doubted whether there is or has been at any time a state in the union in which a majority of the voting population were abstainers or even believers in prohibition as applied to themselves.

Those wanting a drink, will get it, law or no law. The man too lazy to attend church just around the corner will walk five miles to keep a date with his bootlegger.

We have at best but imperfect means of measuring the effect of alcohol on man but prohibition meets its crucial test in asylums, hospitals, prisons, police courts, almshouses, and vital statistics.

The story may not be as plain as the handwriting on the wall but it is written and those intelligent enough to read and reflect know the verdict.

The net result of study so far of this momentous question is that prohibition by statute is not productive of that reaction which most of us desire when we legislate in behalf of betterment of our fellowman. The law, then, is not the answer. Regulation by statute, if it is not too reactionary may help but when we consider our people as compared by their intelligence quotient with other nations a better plan would have been education.

The normal man will never become a drunkard.

The vast majority of our people, 95 per cent are of this type of manhood. The man with the "squint brain" is the potential dipsomaniac, and once the habit is acquired will go through fire and water, in any weather, to get his drink. Let the recognition then between the normal and the abnormal person guide us in our reforms.

Men with unstable or enfeebled intellects are absolutely powerless to resist the impulse to drink. The possible reform that lies nearest to success looks to the right treatment of individuals who are victims of the lust for alcohol.

How May a Community Prevent Potential Drunkards?

As a first consideration there must be personal health in order to have good public health. Health is not the effect of a desire; it is won by effort. He who would have health must work for it; wishing will not achieve it. Health is not something that can be bought at the store nor made at the shop. Health must be thought of as an end and as a means for the accomplishment of that which is worth while in life. We can and do often prevent disease. Our vital statistics prove this beyond argument. Diseases, like tuberculosis and syphilis, which cause degeneration of race stock, must be prevented; when existent, they must be controlled. Our race stock has been made by immigration. It can be improved by careful supervision of further immigration and the elimination of the mental and physically unfit.

We must shield the adolescent from alcohol in every form. We must provide substitutes for the "poor man's club," the corner hang out, the club, the saloon, the den. We must develop community interests that add to health, comfort and welfare. There must be prompt, suitable, and adequate punishment to evildoers.

To me, personally, the incidents indicative of the evil

consequences of statutory regulation of indulgence in alcohol is but a natural sequence. It was almost prophetic. The committee of fifty scientists reported as an estimate of the percentage of different kinds of indulgers in our population as follows: Abstainers, 20 per cent; indulge to excess, 5 per cent; moderate 50 per cent; social, 25 per cent.

What Prohibition Has Done

1. Prohibition has increased enormously the deaths from wood alcohol.
2. Prohibition has increased admission to general hospitals of cases of alcoholism.
3. Prohibition has made men switch from beer drinking to hard liquor.
4. Prohibition has increased alcoholism in the two alcohol services of our two hospitals.
5. Prohibition has closed the saloon but has made home brewing and occasioned home drinking.
6. Prohibition has increased the wholesale price of grapes, rich in phosphates and vitamines, beyond the price for average home consumption.
7. Prohibition has increased the number of arrests for drunkenness.
8. Prohibition has brought about wholesale disrespect for law.
9. Prohibition has caused poisonous death dealing drinks to be made and sold promiscuously.
10. Prohibition has increased alcoholic indulgence by the adolescent male and female.
11. Prohibition has brought about wholesale bootlegging and illicit peddling of impure liquors.
12. Prohibition has brought an increase in the manufacture of spurious money.
13. Prohibition has brought about "speak easies" for the sale clandestinely of liquor.
14. Prohibition has many sins, social and hygienic to account for.

These fourteen points are consequences, disappointing in our public health experiences, and are a terrible indictment of such regulation. These facts should make thinking persons consider seriously if this is the right way to deal with the problem. Privileges, that are almost as natural as life itself, being swept ruthlessly away over night, naturally beget an antagonistic reaction which can only be hurtful to a good cause having high aims. Let us reflect.

SOME PROHIBITION ARGUMENTS[1]

National prohibition in the United States has been in effect now for nearly four years; surely long enough for a fair test of its operation. The late President Harding in his annual message to Congress on December 8, 1922, felt it necessary to make a plea for rigorous and literal enforcement of the law. He summed up the existing conditions in these words: "In plain speaking, there are conditions relating to its enforcement which savour of nation-wide scandal. It is the most demoralising factor in our public life. Most of the people assume that the adoption of the Eighteenth Amendment meant the elimination of the question from our politics. On the contrary, it has been so intensified as an issue that many voters are disposed to make all political decisions with reference to this single question."

The evil conditions referred to by President Harding have become far worse since his message was delivered. Crime is so rampant that the Special Committee on Law Enforcement of the American Bar Association has presented the disgraceful facts in its recent report. The report shows that crime is growing faster than population. The committee's comparison of the criminal statistics of American cities with those of France and

[1] Address of Hugh F. Fox, secretary of the United States Brewers' Association at the London conference of the International League Against Prohibition. October, 1923.

England is most significant and alarming, but apparently the American public is not concerned or even interested in it!

Dr. Angell, President of Yale University, declared in his address to the graduating students last year that "the violation of law has never been so general nor so widely condoned as at present." Justice Clarke, of the United States Supreme Court, addressing the alumni of the New York University Law School, said: "The Eighteenth Amendment required millions of men and women to abruptly give up habits and customs of life which they thought not immoral or wrong, but which, on the contrary, they believed to be necessary to their reasonable comfort and happiness, and thereby, as we all now see, respect not only for that law, but for all law, has been put to an unprecedented and demoralising strain in our country, the end of which it is difficult to see." John Koren, International Prison Commissioner for the United States, speaking at the Annual Congress of the American Prison Association, said: "The most glaring example of the crime-breeding propensities of sumptuary legislation is provided by the national prohibition law. The aims of this law are not under my scrutiny; and no sane man can question the obligation of the government to enforce it. My sole object is to point to it as the most persistently and flagrantly violated piece of legislation ever conceived. More than this, the crimes of violence and corruption that have followed upon its enactment are beyond count. Distinct, powerful and country-wide criminal organizations now undertake to dispense drink; but they could not exist—and this is the vital point from a criminological point of view—unless they receive a most generous support throughout the strata of society professedly standing for law and order. Not even the law enforcers themselves are free from the taint and able to stand up to their tasks. . . . The facts are open to everyone; and all of you make claim to a knowledge also of the weaknesses of human nature.

My sole mission is to draw your attention to the potentialities of legislation as a breeder of crime when it lacks the support of a clearly defined and absolutely dominant public opinion." Dr. Nicholas Murray Butler, President of Columbia University, in an address delivered before the Ohio State Bar Association last January, made the assertion: "That disregard of law, disobedience to law, and contempt for law have greatly increased and are still increasing in this country, is not to be doubted. . . . It is rather a sorry outcome of our century and a half of existence as an independent nation, proclaiming to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as the law-breaking nation *par excellence.*" The Honorable Joseph Bailey, former United States senator from Texas, told the Mississippi Bar Association at its last annual meeting that "the Volstead law is violated a million times every week." There are a host of other witnesses whose testimony might be cited, but I have selected these to indicate to you what our most responsible and courageous public men think and say about our present conditions. As Fabian Franklin, the well-known publicist, points out in his notable essay on "What Prohibition Has Done to America," "the real struggle is not with the thousands who furnish liquor, but with the hundreds of thousands, or millions, to whom they purvey it."

The reports of the police authorities in practically all important American cities show a steady increase in public drunkenness, but the figures do not tell the tale of what is going on in the homes of the people, or behind closed doors in the private clubs and social organizations! There has been a startling increase in the number of automobile accidents which were due to drunken drivers; and an equally startling increase in divorces, suicides and homicides. Day by day the newspapers record the number of deaths from the effect of poisonous liquor. In Philadelphia the coroner reports five hundred two

deaths from this cause in five months. Dr. James Whitney Hall, chairman of the Medical Commission on Insanity for Cook County, in which Chicago is situated, says that deaths directly traceable to alcoholism and the sale of poisonous liquor have doubled under national prohibition. Dr. S. Dana Hubbard, director of the Bureau of Public Health Education of New York City, declares, in a recent issue of the New York Medical Journal, that prohibition has increased enormously the deaths from wood alcohol; has increased admission to general hospitals of cases of alcoholism, and has caused poisonous death-dealing drinks to be made and sold promiscuously. The Metropolitan Life Insurance Company has published a table showing the deaths from acute and chronic alcoholism per one hundred thousand policy-holders, from 1911 to 1923. The death-rate on this basis was from 4 to 5 per cent from 1911 to 1917. In the first two years of prohibition it was less than 1 per cent, but in the first six months of 1923 it had gone up to 3.3 per cent.

In their laboured effort to make a case for prohibition, the professional prohibitionists and their satellite, the United States Prohibition Commissioner, make much of the recent increase of house building and savings-bank deposits. The alleged increase in expenditures for such building construction from $40,000,000 in the five years before prohibition to $328,000,000 since, has no relation to prohibition. The five years before prohibition included the war period, with its enforced proscription on all construction work not essential to war operations. The increase since does not anywhere near cover the deficiency in building caused by war-time restrictions, which is only natural considering that the cost of building has trebled.

With respect to the increase in savings deposits, the principal factor is the very large increase in wages and in the constancy of employment, which are related to the present cycle of prosperity in the United States, and to the restrictions upon immigration. It is also worth not-

ing that during the war the government entered upon a national advertising campaign to "sell" thrift to the American people. One of the results is most interesting. The large banks, which previously had been "cold" to a Savings Department because of the expense and trouble of the clerical work which it involves, became convinced by actual figures that such a department would swell their assets enormously, and such a fever of competition for savings accounts developed that service organizations have sprung up which put on a staff of special salesmen who make a house-to-house canvass for small accounts. In a number of instances premiums in the shape of attractive articles such as pencil-cases, etc., have been offered to those who open new accounts. If prohibition has played any part in the matter it is because imported liquor has been driven into the luxury class; because the "treating custom" has been greatly reduced, and because millions of families have now learnt to make alcoholic beverages for themselves at a small cost.

Much has been made, for example, of recent reductions in the pressure on certain of the private charity organizations. That prohibition may have played a part in it is possible, but I believe it has been a minor one. A most considerable part of the charity work formerly relegated to private organizations is now undertaken by the public through some form of soldiers' relief. The Federal government alone is distributing $450,000,000 per annum for the rehabilitation of needy veterans; most of our states have provided a bonus payment for all men in the service, and almost every city of any size has its special department ministering to veterans and their families. The great war, among its many curious operations, seems to have made away in large part with the derelicts of society. Whether almost everyone was pressed into some sort of service during the years of stress, or whether many of the weaker simply passed out of life, need not be discussed; the fact remains that before the advent of prohibition the demand on public

and private charity had fallen off greatly. The phenomenon was visible not only in the United States, but was observed, I believe, in the neutral countries of Europe, such as Holland, Switzerland, and the Scandinavian countries. In the United States the virtual stoppage of immigration has vastly increased the casual worker's opportunity for employment, while the labour unions have been able to meet non-employment during strikes with larger benefit funds than they have ever had before. Charity workers are prone to magnify drink as a factor in poverty and to minimise the relation of unhappy economic conditions to intemperance.

No doubt the cost of bootleggers' liquor tends to keep some men sober, but the extent to which drink has been driven into the homes of the people can only be indicated. Home brewing is of minor consequence, but the making of spirits by individuals for their own consumption, and by moonshiners for sale, is quite common and is increasing steadily. Prohibition officials themselves admit that illicit distilling within the United States for commercial purposes is far more important than smuggling. As for home-wine making, the volume is enormous. Since prohibition went into effect over half a million acres of new vineyards have been planted, and it is estimated, quite conservatively, that the total quantity of home-made wine is three times greater than that which was formerly made in the commercial wineries of the United States, plus the imports from other countries. It should be noted, however, that the prohibition enforcement officials have granted a special dispensation to farmers and families who make their own wine. Individuals are permitted to make two hundred gallons a year for their own use, under the name of "non-intoxicating fruit juices," and the test is one of fact as to whether they are intoxicants, without any limit as to their alcoholic percentage. To you who have perfected your wines, beers and other beverages by generations of scientific experimentation, I need not point out that the

stuff which is being made by American moonshiners, or in home kitchens, and which is now common in every nook and corner of the United States, is crude, raw, immature and unwholesome, even if it is not actually poisonous. From the health standpoint the tale will unfold itself with increasing seriousness from year to year.

A word as to the police problem which is involved in the enforcement of prohibition. The frontier boundaries and coast line of the United States total seventeen thousand five hundred miles. Police experts say that it would tax our entire army and navy to put a stop to smuggling. In the face of an adverse, or at any rate of a divided public sentiment, it is certain that Congress will not appropriate the very large sum of money which would be required to employ an adequate Federal police force; hence the effort to unload the major part of the job upon state and local authorities. It is however equally certain that state legislative bodies will not consent to increase the burden of taxation by voting appropriations for a state prohibition constabulary, so that the burden is being shifted to municipal policemen, who are already overloaded with other and more important duties. There are thousands of small places that have never been visited by a prohibition officer. Official corruption is of course rife, and the courts are swamped with liquor cases.

In a word, the enforcement of prohibition has almost reached the breaking point, principally for the reason that the cooperation of the people is lacking. Labor is sullen because the law in its operation has proved to be class legislation. "Society" has become lawless, and the rising generation is taking to drink as Eve did to the forbidden apple. The only sections of the country which really give prohibition any moral support are those which had already adopted it by their own action, and in which for the most part local prohibition corresponded to a definite police jurisdiction. I have refrained from emphasizing the loss of revenue under prohibition, because this is not the major consideration. There is, however, a potential

revenue of possibly $1,000,000,000 a year which might be obtained from internal revenue taxes and import duties in the United States if beer and light wines were restored to the American people, and if good spirits were available through government agencies for medicinal purposes.

It is practically impossible to repeal any Article of the Constitution. The question is, how can the Eighteenth Amendment be made to work for the restoration of temperance and orderly government to the American people? There are many persons who had a friendly feeling for the experiment of national prohibition, but who accepted it with some misgiving as to its practicability. They felt that it could not be expected to work without a good deal of adjustment, but they were disposed to give it a fair trial. Most of them are now convinced that the Volstead Act is a stumbling block. The Eighteenth Amendment is so simple and so elastic that indeed it lends itself to any reasonable change in plan or method that may be proved necessary. The amendment merely established the principle of national prohibition, and left it to Congress to provide by "appropriate legislation" for its effective enforcement. The trouble is that Congress has gone too far. The Eighteenth Amendment prohibits "intoxicating liquors"—not alcoholic liquors, except in so far as they may be in fact intoxicating. The Volstead Act, with its absurd ½ of 1 per cent definition of an intoxicating liquor, is a misnomer. Its real authors are the attorneys and high priesthood of the Anti-Saloon League, whose word has hitherto been accepted as law by Congress. For some reason—or unreason—the professional leaders of the league are never willing to admit that they have made a mistake. This act of theirs is "sacrosanct," and no one must lay impious hands upon it. There is, however, no doubt in the minds of the police authorities and of the press that the law in its present form won't work, and must be modified.

A modification of the Volstead Act to make it cor-

respond to the language of the Eighteenth Amendment would make prohibition much more workable, because it would limit its operation to those beverages which by common consent are regarded as intoxicating. Such a modification would give the wage-earner his beer, and thus win over what is probably the largest class of dissatisfied people. Some provision would have to be made by the Federal government, however, to supply pure spirits at a reasonable price for medicinal purposes. It is clear that the people must be won over to prohibition by honest and rational "administration." It cannot be imposed by mere force!

The case has been ably summed up by a former governor of New Jersey, the Honorable E. C. Stokes, who occupies a distinguished position as a publicist, and is himself a total abstainer. In the course of a carefully studied address, Mr. Stokes said that "we are building up a nation-wide industry in smuggling and rum-running, lessening the national respect for law and order, establishing a bootleggers' enterprise, promoting thousands of dollars in untaxed profits for law breakers and stimulating the consumption of alcohol in its worst form. . . . No man or woman can be excused from facing this problem or trying to solve it by simply passing resolutions. We are face to face with a great national disgrace, and, I, for one, am not afraid to stand up and demand a remedy." The remedy he suggests is that the Volstead Act should be amended so that it will harmonize with the Eighteenth Amendment. He might have added that the most effective form of prohibition is that which is personal and individual!

A NEW PRINCIPLE IN THE CONSTITUTION [1]

The Eighteenth, or prohibition, Amendment introduced into the Constitution a wholly new principle. Un-

[1] By Nicholas Murray Butler. Building the American Nation. p. 292-3.

til its adoption the Constitution had included a framework of government, an enumeration of powers and limitations, a mode of amendment, and a bill of rights. Now for the first time there was introduced into the fundamental law an act of legislation in the form of a drastic and uniform exercise of the police power. The novelty and the danger of this use of the amending power as well as the likelihood that it may defeat its own ends are fairly obvious. If the Constitution had been amended by conferring upon the Congress the power to control, limit, or prohibit the manufacture, sale, or transportation of intoxicating liquors, there would have been no departure from the general theory of the Constitution. Under the terms of such an amendment it might be expected that the Congress would from time to time deal with this subject in such ways as public opinion might require, and would always be free to amend or repeal any statutory provision which had been shown by experience to be insufficient or inexpedient. By putting this legislative act in the Constitution itself, however, where to all intents and purposes it is beyond the reach of amendment or repeal (since one-fourth of the states plus one, no matter what their population, can prevent such amendment or repeal), a situation was created whereby large numbers of persons, feeling certain that this new provision of law can neither be amended nor repealed, and dissenting entirely from the grounds upon which it was urged, more or less widely and more or less openly violate its provisions. The same thing would happen in the case of any sumptuary law attempted to be imposed upon a large, widely scattered, and heterogeneous population of different habits, tastes, and traditions. Herein lies the danger of attempting to correct or improve private morals and personal conduct by law, and especially by constitutional provision.

The instinct of every good citizen is to obey the law, whether agreeable or not, and to assist in secur-

ing its obedience by others. Obedience to law, however, is one thing, and enforcement of law is quite another. The former may come after a lapse of time; the latter may never be attainable. As a result of the adoption of the Eighteenth Amendment, the people of the United States are now confronted by the exceedingly difficult problem, some think the insoluble problem, of attempting to build up respect for law and obedience to law, while enforcing by the most extreme measures a particular provision of law which a large proportion of the population resent and are ready to defy. The resulting situation raises so many questions of political policy and of private and public morals that it seems bound to occupy a large measure of public attention for some time to come.

BACK OF THE DRY SCREENERY [1]

Prohibition enforcement is costing this country upwards of $2,000,000,000 a year. This is a bold statement. The sky is the limit on the subject of prohibition and its cost. At least, this is as it appears to us after several months' close study of the question for Popular Finance. In fact, it looks as if $2,000,000,000 a year is only half of what prohibition enforcement is costing.

The first question you ask us is: "Where do you get the figures? Don't you know that you are talking in terms that equal the national budget?"

The editor of Popular Finance told us to make an unbiased investigation into the cost attending prohibition. He wanted us to step right out into the middle of the street and stay there; not taking either side of the wet or dry question; and to write an article that

[1] By Robert Alden. Popular Finance. 1: 6-11. September, 1923.

either a rabid wet or an equally rabid dry, or any thoughtful person, should read. It was a big assignment.

We must admit that we found it difficult to remain in the exact middle of the street during our investigation. We found it necessary to visit the dry side of the street and then cross over. But, as we write, we are centrally located again—not on the water wagon or on a personal-liberty plank, but up on a high board-fence with one thought in mind—costs!

We advance the claim that we have read more literature and studied more data on the prohibition question in the past few months than any other one person in the United States. And this research entitles us to an opinion. It is this: *The public is not being told the real facts.*

In many ways is the above statement true. There are few exceptions. A few newspapers do write unbiased editorials on the subject; but the larger number are either dry or wet. One does not expect the Anti-Saloon League to publish any data which gives substance to the arguments of the "wets," nor is it expected that the Association Against the Prohibition Amendment will make "dry" speeches. But one does expect that journals which pretend to be informative shall publish facts—and this is rarely the case.

We have before us the correspondence between a wet authority and the editor of a great national publication devoted to women's interests. Glaring misstatements appearing in an article favoring prohibition were drawn to the attention of the editor and protest made. The editor replied that regardless of what had appeared in the article in question, it reflected the editorial opinion of the publication. And we happen to know that the editor's personal opinion and practice is very wet. This is not a reflection on the drys, for the circumstances might easily have been reversed. The incident merely points out that most of us are so blindly partisan that we do not want a fair presentation of a case—particu-

larly on the subject of prohibition. That editor was catering to his readers.

"A man cannot serve two masters," was written centuries ago. This applies to the prohibition question. But it seems iniquitous that such an important question cannot be presented fairly and accurately.

Subject of Agricultural, Industrial, and Economic Import

Prohibition remains a very live question today. Many hoped that it would become a "dead issue." In its present stage, it *will never* cease to be a public menace. Nearly every metropolitan newspaper is devoting two columns a day, at least, to prohibition news. We have enacted a constitutional amendment and enforcement legislation that a very large number of our citizens are not obeying. To call our disobedient citizens "criminal" is not enough. The fact of their refusal to comply with the law makes prohibition a much greater public question than it was before the passage of the amendment. Wayne B. Wheeler, national counsel for the Anti-Saloon League of America, is quoted, referring to the situation in New York, which state annulled its enforcement act, that the New York action "places the prohibition question in the forefront of the most important issues of the presidential campaign."

Pronouncements of Major Roy A. Haynes, enforcement commissioner, are necessarily propaganda aimed to assist in enforcement. He must suppress much information that is unfavorable to prohibition. We read through a file of the statements issued by his office for the press and found not one item that was anything approaching an unfavorable report on prohibition from the standpoint of costs or otherwise. And yet Major Haynes has been one of the best men one could expect to find in the position he holds. And he would not be if he were not in possession of much information that he does not make public. We do not blame him for

this—not in the slightest; but again our point: the public is not getting the facts.

But there is another reason why the public is not fully informed on the prohibition question. The facts are hard to get and important statistics are almost wholly lacking. High officials who have come from other countries to study the effects of prohibition were forced to admit that they were taking back with them nothing but an opinion. Perhaps if an *unbiased* congressional investigating committee—if it were possible to select such a body—could spend two months in hearing competent testimony on the subject there is no doubt it would shoot wide of its mark in making its report. That is how difficult we think it is to successfully probe the prohibition question.

The least study of the prohibition question presents such monumental aspects as to confound one. One interested person started a five-thousand word article on the subject and finished an eighty-thousand-word book without having exhausted his data. One discovers that the one word, "Prohibition," has ramifications that immediately became world-wide in scope. Politics and religion of every shade and shadow are deeply involved in prohibition. It is—beyond all peradventure—an undying subject of agricultural, industrial, and economic importance.

One Hundred Million Gallons of Wine Being Consumed

We have only to consider the economic aspect. That alone grew on us until we would rather have faced analyzing the German debt. One can get at the question of how much Germany should pay France. There is something tangible to it. But the main facts of prohibition are like a thunder storm. Only Thor could get his hand on the bolt.

Notwithstanding, we will assume the rôle of Ajax and tackle the question. Come with us, first, to the

headquarters of the drys, the Anti-Saloon League, up on the fifteenth floor of 906 Broadway, New York City.

After stating our errand we were turned over to Miss Tubbs, a gracious lady who handles statistics for the drys. She has two assistants, an efficient department, and is able to put her finger on any data the drys need. Miss Tubbs told us that we could not get what we were seeking—the costs under prohibition. She was willing to put everything that had been written on the subject before us, with the thought we could piece together odds and ends of information. But we had an ulterior reason for wanting to browse through the library of the Anti-Saloon League: It holds considerable data that has been furnished, firsthand, by Mr. Wayne B. Wheeler from Washington, D.C. He is credited with the authorship of the Volstead Act, and was active in its passage. We assumed that Mr. Wheeler would be able to obtain considerable data that were not procurable elsewhere. This proved to be the case. Mr. Wheeler has discovered some things that the Department of Internal Revenue has not—or, at least, has not published in its reports.

While in the offices of the league we listened to William Eugene Johnson, commonly known as "Pussyfoot," who happened in from New Zealand on his way to Europe. Mr. Johnson is an international hero of the dry forces and a veteran campaigner. He is still fighting vigorously the strongholds of John Barleycorn. We mention this in passing, merely, for we did not have a single question to ask Mr. Johnson. We were after figures—figures that he or no one else could give us. Recently he set the country laughing with the statement that he had seen but seven drunks in a trip across the United States from San Francisco to New York. And we wanted figures!

To start with we wanted to know how much money was being expended for liquor in the United States of America, today, in defiance of the Volstead Act. The

inquiry was utterly absurd. No wonder Miss Tubbs laughed.

But we had one fact in mind: There are one hundred million gallons of wine—dry and sweet—being consumed in this country annually.

Where did we get that figure—one hundred million gallons? We have real information on which to base it. We know that California alone, produced upwards of twenty-five thousand carlots of grapes last year, and that twenty-five thousand carlots of grapes will make more than fifty million gallons of wine. Under present rulings, anyone is entitled to make two hundred gallons of "fruit juices" annually. Other states indicate a production of an additional twenty-five million gallons of dry wine. Heavy increases in the importation of raisins, currants, and increased prices of figs indicate the making of enough dry and sweet wines to bring the total up to that one hundred million gallons. No well-informed person will dispute this figure.

We assumed this one hundred million-gallon figure to be the case, in a discussion of it with Miss Tubbs. She listened to us without comment. Then we assumed that four times the value of what was being expended for wine was spent for beer and all other liquors—smuggled whisky, illicitly distilled gin, and variegated brands of hootch. Miss Tubbs continued to listen with interest. We did not tell her that many authorities whom we have consulted had put the ratio at eight times instead of our conservative estimate of four. It is our opinion, and many will agree, that eight is more nearly a correct factor than four.

Now, what value shall we put on that one hundred million gallons of wine? We know the market price ranges from $3 to $12 a gallon, and that little of it is to be had, except in California, for under $4 a gallon. We will take the latter figure. What have we arrived at? A simple matter of arithmetic;

Four times the value of one hundred million gallons of wine, at $4 a gallon, equals $1,600,000,000, spent on liquor other than wine.

This was the manner in which we put the proposition to Miss Tubbs, statistician of the league.

"It's much too much!" was her remark. Her manner, however, betokened that she was impressed with the figures. It was not our purpose to press her further, or to bore her with impossible figures that were not obtainable.

We did not add that the one hundred million gallons of wine has a valuation of $400,000,000. This added to the $1,600,000,000 gives a total of $2,000,000,000—the sum we stated at the outset. The figures are ultra-conservative!

Claims Savings Have Increased Two Billions

While at the offices of the Anti-Saloon League, we observed many more circumstances—for the League is not idle by any means—but there was little bearing on the economic phases of the prohibition question as it exists today. There were reports on increased savings-bank deposits, attributed by the league to the closing of the saloon, of course; yet were we to undertake consideration of increased savings we would at once be launched in their bearing in the light of changed economic conditions, normal increases, and other elements. Inasmuch as the greatest authorities on banking have not attempted this, we will pass it here. Let us grant that savings have shown an increase as the result of prohibition—how much, even that unbiased congressional committee could not determine. Wayne B. Wheeler claims that savings have increased two billions.

It was logical that our next step should be a visit to the wets. The one avowedly wet organization is the Association Against the Prohibition Amendment with headquarters at Washington, D.C. This name is a mis-

nomer. By its own statements, the association is not directly opposed to the Eighteenth Amendment, but to the Volstead Act. It is out to change the Volstead Act. Among its officers and members is an impressing array of personages from every walk of life. In New York the treasurer, until his death, a few months ago, was Stuyvesant Fish, a power in the financial world, and formerly, president of the Illinois Central Railroad.

Let us interpolate a tip to students of the prohibition question. It will avail nothing to make surveys of wet or dry states, or districts within states, throughout this country. It is almost axiomatic of prohibition of our day, that there is enforcement where enforcement is not needed and no enforcement where enforcement is needed. A study of Kansas is valueless even if it be shown that this state is profitably dry. It is the active minority influence that must be watched. Popular opinion in the United States is as unstable as chaff before a north wind. We can give Democrats or Republicans overwhelming majorities. We can be against war one fall and up in arms the next spring. We worship a leader and set him in a high place one week, and tear him down over Sunday. We can favor a League of Nations, rave against it, and then clamor for it.

It is absolutely certain that there was no popular majority for prohibition in January, 1920, when the Volstead Act went into effect. That was the work of an active minority as opposed to another small minority, and the continuance of prohibition now rests entirely with the work of these minorities. The principles of prohibition, be they good or bad, will have no full bearing on the final outcome. The drys of this country may yet see the results of their years of effort undone in one session of Congress. And now we are to seek to learn, from the standpoint of costs, what the wets are doing in this country toward that end—undoing the work of the drys.

And Taxes Have Increased, Too?

We went to the New York headquarters of the Association Against the Prohibition Amendment. There, a former army captain, in charge, told us that the statistician of the association was Captain William L. Fish, a resident of Newark, New Jersey.

Captain Fish is a tall, slight, kindly appearing, white-haired gentleman, whose age might be anywhere between fifty and sixty-five. He greeted us in an easy voice. He is a busy man, too, and was forced to divide his attention, for a time, between his answers to preliminary questions, and the final O.K. of proofs for the Minute Man, the monthly publication of the association.

Bank deposits had increased since 1920, Captain Fish admitted, but only normally. "Don't forget that taxes have increased," he added, drawing receipts from his personal files which indicated that he had paid $288, in 1913, on real property and $623 on the same property in 1922. The advance he attributes to prohibition. He said that the liquor industry had bought a revenue to his state of close to $1,000,000 a year; but, with that gone, he like everyone else, had to make it up. "And the worst of it is that the liquor industry still exists, tax free, like a non-taxable security," he said.

It was when we asked Captain Fish what was being spent today, in this country for liquor that he gave us a big surprise with, "I don't know." We could excuse Miss Tubbs in the headquarters of the league for not knowing; but we thought it the business of Captain Fish to have the information or an opinion. We pressed him for an estimate, without avail. He could not afford to hazard even a personal opinion, he said, for he had made it a point to give utterance to no statement on which he was not fully informed. Captain Fish, who obeys the Volstead Act to the letter, is fighting prohibition on moral grounds.

Captain Fish was forced to excuse himself to make

a trip to his printer. This gave us an opportunity we wanted. Captain Fish had said there were nine hundred and seventy odd saloons running wide open in Newark. We didn't believe him. Newark has a population of three hundred and forty-seven thousand. Manhattan with a population of two million seven hundred and sixty-three thousand has but two thousand saloons. We wanted to find out about Newark for ourselves.

Alone, unaided by directions, in a city we had not been in two hours, we found three saloons in four blocks, bars, glasses, bottles, brass rails and everything. And we purchased three large glasses of beer at 10 cents a glass. Some writers have said that this could not be done, that one requires an introduction to procure a drink. This we deny most emphatically. Philadelphia is the only large city of seven from the Pacific to the Atlantic Coast in which we have not found it easy to get a drink. In Philadelphia, twenty-four hours' casual observation netted us nothing; but introduction at clubs —that is different! Yes, we are fully aware we may have overlooked a few bets in the Quaker City. Philadelphia's arrest figures for drunkenness are high.

Was Alcohol Destined to Compete with Oil?

An international issue has arisen over the question of liquor being carried on foreign ships entering American waters. One would naturally think it was the Anti-Saloon League that had stirred up this mess about liquor on ships. Not at all. It was our mild-mannered Captain Fish of Newark, New Jersey. He did it with his Minute Man. It was a thoroughly consistent bit of activity, quite in keeping with the tenet of his organization: "This association stands squarely for obedience to the prohibition laws and every other law."

This problem of prohibition has been put up to our chief executive, as if his duties were not sufficient without adding any of the perplexities of enforcement. As

the high magistrate of the nation, the President is supposed to find ways and means to make prohibition a reality. His task of enforcement is not confined to the United States, but he must exercise his authority on the high seas. And it is a huge, an insuperable task. The crux of the whole indifference to prohibition is centered in this fact: The people are unable to see the harm in breaking the Volstead law inasmuch as drinking liquor is just as much a personal matter as smoking tobacco.

Captain Fish has a real idea. As to its merits we vouchsafe no opinion. The thing for us to consider is that the association is now engaged in spreading it as part of its propaganda. Our interest in it is purely economic, for it is advanced by the association as the one big item in the cost of prohibition enforcement.

Captain Fish believes that prohibition was a gold brick handed this country by the oil companies. Put very briefly, for those who have not heard it before, and few have, his idea is simply this: Alcohol bid fair to become an industrial competitor to gasoline, and the oil companies promptly spent millions in suppressing alcohol.

On the face of it this seems a far-fetched proposition, but the Senate of the United States heard about it and was mightily interested. We have only to quote from the speech of Senator Broussard, delivered on February 27, 1923, to show what Captain Fish is driving at. But before we do so, it is necessary for us to accept as a scientific fact the statement that alcohol as a fuel is superior to gasoline. It is the consensus of opinion of the foremost engineers of the world.

England, a country that imports its raw materials, is making alcohol successful for use as motor fuel, and, at the same time, is experimenting on its production in her island possessions.

Australia pays a bonus for the production of materials and another bonus for the manufacture of alcohol. Both

are countries that do not produce petroleum. Germany is one of the largest producers of industrial alcohol, and is said to have fought the last two years of the World War with it. Germany produced more alcohol in 1914, principally from potatoes, than did the United States in 1922. Scientists claim that tropical vegetation is convertible into alcohol. Another scientist says that 5 per cent of the motor fuel used in this country, one hundred and sixty-two million gallons, could be produced from sugar waste alone at a total cost of 10 cents a gallon if the cost of sugar waste, or "black strap" were 5 cents a gallon. The entire crop of Louisiana "black strap" was sold, last year, for ½ cent a gallon.

All of this is but the briefest summary of what the association is telling the farmers of this country. The statements may be verified in any library.

Alcohol Could Be Made from Refuse Even

Henry Ford's experiments on the production of alcohol from straw are reported to be successful in scientific circles; but, to date, he has made no complete announcement of the costs. All he has had to say was, "I am now making the fuel my tractors can use, out of straw. I am putting up a $35,000 plant to manufacture alcohol from straw alone, just to show people it can be done."

We now have the background for Senator Broussard's speech before the Senate:

> Mr. President, on June 7, 1906, I consider that this country was delivered over to prohibition, because it seems to me that the minute it was recognized that alcohol would be a competitor of gasoline there was a rush to destroy it, not only on the part of those who were interested primarily in bringing prohibition onto the people of the United States, but aided and abetted by those who saw in the movement some economic advantage that might accrue to them.
>
> On that day, the Congress enacted a law making alcohol unfit for beverage or medical purposes, tax free. The effect of the law, if it had been allowed to work out, would have been to give the farmer, out of his own resources, his light and heat and

fuel; alcohol could have been distilled from his spoiled and unusable crops, from refuse of all kinds. In seasons of heavy crops and consequential low prices, these farm products could be converted into alcohol and stored until a time when poorer crops insure a better price, thus insuring a balance wheel of agriculture and steadiness of prices.

However, the hand of death was effectively laid upon such use of surplus material of the farmers by Regulation No. 30 issued September 29, 1906, by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, three months before the law went into effect. No farmer has ever profited from the free denatured-alcohol he was to make from his waste, because the regulations, embracing one hundred and fifty-two sections were so drastic and impossible of observance, except by rich corporations, that the law was, to all intents and purposes, a dead letter.

Who framed these deadly regulations? Was it not the same forces that were at work to bring about the adoption of the Eighteenth Amendment and the adoption of the national prohibition law? Of course it was.

But where is the direct evidence of all this? There is none; it is purely inferential. Oil men, admitting there is no argument on the question of the superiority of alcohol over gasoline, refuse to get excited and calmly ask if any considerable amount of alcohol can be manufactured at a price to compete with gasoline.

There is something we cannot answer from a practical standpoint. Theory is always one thing and practice another. Still, we can remember a time when gasoline was being thrown away because there was no development of the gas engine for its use, and likewise there has been no development of an industry for the manufacture of alcohol.

We must admit that this theory of alcohol as fuel has possibilities that are practical, and give them some study in the light of the costs of prohibition enforcement. Thousands of copies of Senator Broussard's speech are being put into the hands of the farmer, and are bound to have some effect. It was Captain Fish, too, who furnished Senator Broussard with much of his data, for Captain Fish has a wide reputation as an authority on the use of alcohol. We have only to work

out some basis of costs on the statement of Senator Broussard that prohibition was used to stifle alcohol; and so, for our purpose, let us pursue the results.

In 1906, gasoline in the United States was 10 cents a gallon and alcohol was to be had at 8 cents a gallon. The 8 cents is the Cuba figure, taken because there was an internal-revenue tax on the manufacture of alcohol in the United States. We have already shown it could be as cheap in this country. Today, gasoline is around 24 cents. It has been as high as 38 cents. Denatured alcohol is close to 60 cents a gallon. We will assume arbitrarily that gasoline has a strong competitor and is selling at 12 cents a gallon, instead of around 25 cents. This means that the country is out $500,000,000 a year on the basis of a four-billion gallon consumption of gasoline.

This alcohol fuel question, we believe, will be a big issue before the next Congress, and will be well threshed out. Perhaps we shall know more about it when the debates are finished. We know three senators who are very busy, today, looking into the matter. As the wets are making it the meat of their program, it is well that the public learn the real facts. It would be a marvelous revelation should it develop that it was actually King Gasoline who slipped the skids under John Barleycorn, wouldn't it?

Beer Was Nine-Tenths of Traffic

Earlier, we included beer in our costs of what was spent under prohibition. Just what the breweries are doing is extremely difficult to surmise—so much so as to cause us to pass it by, even as a matter of broad conjecture. Let us quote, to indicate what we imply, from the 1922 Report of the Department of Internal Revenue, the following:

> There were five hundred cereal-beverage manufacturing plants in the United States. Of these over two hundred have been reported during the past twelve months for violations of the law.

Please note the official use of the word "over."

We do know, from accurate figures, that England, last year, realized $572,839,500 from taxes on beer and ale. England taxed 3 per cent beer 39 cents a gallon, in 1922, and has reduced it to 26 cents for 1923.

The United States has more than twice the population of Great Britain. In 1914, we drank sixty-six million barrels of beer. It is no feat of the imagination to believe that we could now drink fifty million barrels of beer a year. The figure is reduced for this reason: It does not seem possible that the saloon will ever be permitted to come back. No practical substitute for the saloon has been suggested, and it is difficult to conceive that more than the fifty million barrels of beer could be distributed. Use of malt compounds for beer indicate the making of ten million barrels of beer in the homes.

If we were consuming that fifty million barrels of beer, annually, as can be done with "perfect propriety" under the Eighteenth Amendment, and dealing in futures for the moment, it would net this government $680,000,000 a year in taxes, using the amount of the Quebec tax, 42½ cents a gallon.

It would be a tedious speculation for us to follow out the profits, or how they would be divided, on a keg of beer. If beer were to sell at 10 cents a glass, a keg would have a retail valuation of $51.20. The tax would total $13.60, leaving $38.60 for distribution from the brewer to the farmer, and, presupposing direct delivery, from brewery to consumer. But this is beside the question for the $51.20 valuation is far too high as it is based on a retailing price of 20 cents a pint obtaining during these enforcement days.

While we are on the subject of beer, another interesting comparison comes to mind. Miss Tubbs asked us if we realized that beer in preprohibition days had constituted nine-tenths of the liquor trade. We didn't; and she gave us some figures to prove it. Let us work on the idea. That beer consumption of sixty-six million bar-

rels, in 1914, was the heaviest in the beer-drinking history of this country. If we retail it out at 5 cents a half-pint glass, we will discover that the tape in the cash register totals $1,689,600,000. We previously estimated, conservatively, that we were spending, today, $2,000,000,000 for all alcoholic liquors. So, in the banner wet year, we spent only $1,689,600,000 for nine-tenths of the liquor traffic, did we?

We dare not tamper with our $1,689,600,000 and point out that the sixty-six million barrels did not have a valuation of that much, lest we be accused of having fallen off our fence. Suppose we were to give that 1914 consumption of beer a valuation of only $1,000,000,000; then it would mean that nine-tenths of the total liquor traffic in 1914 is only half what the total liquor traffic is today?

We are tempted to say with Miss Tubbs: "It is much too much." Yet if it is, we must try and get a check on the figures. Perhaps Miss Tubbs meant volume rather than valuation when she asked us if we realized that beer had constituted nine-tenths of the total liquor traffic in preprohibition days; that for every gallon of all other liquor consumed there were nine gallons of beer.

The Profits of the Bootlegger

We have heard expression of the opinion that as much money is being expended in the United States today, for liquor as prior to prohibition. This contention is that even though the volume of drinking has been appreciably lowered the multiplied prices balance the total costs. Some even go so far as to say that the volume is greater. Do our deductions give substance to any such idea?

We were unable to get the slightest statistical conception of the volume of strong liquor consumed today. We know little of the extent of the bootlegger's trade, although we have heard something of his profits; and

most of us have ocular evidence of his prosperity, having seen his diamonds glitter. A Nova Scotia sea captain frankly told us that he and his associates had netted $6,000,000 in profits by smuggling whisky, in 1922.

But let us visit one of the bootleggers—a distiller of gin! The whereabouts of this gin mill we are pledged never to reveal to a living soul, and will not. Our access to its location is a story by itself and was brought about in a strange way, which, if related, would tend to reveal other circumstances.

On one floor of this gin mill—a residence from its exterior—was a room of shelves which supported dozens of five-gallon jars. This room is supposed to be raid proof, or at least proof against Volstead officers securing evidence. Each one of those jars connects with the sewer and, in a few minutes, could be emptied. Over each jar is a fresh water faucet, reminding one of an arrangement of jet fire sprays, the chief purpose of which is, in an emergency, to wash remaining evidence from the jars and down the sewers.

The temperature of the contents of those jars was kept even by electric thermostats. And the contents of those jars is sugar in the process of fermentation.

Sugar is the chief base of alcohol under prohibition. The bootlegger uses *thousands of tons of it*—either brown, white granulated, or corn sugar. Since prohibition, the price of corn sugar has *doubled*. Two pounds of sugar will produce one pound, or one pint, of alcohol.

Each day the contents of a number of those jars, having shown the proper content of alcohol after several days, is distilled. The distillation does not take place in the jar room but on the floor below. Were a neighbor to visit the kitchen containing the still, she would never suspect its presence, unless she had a knowing nose, it is so cleverly made a part of the household arrangement. It, too, connects with the sewer, and the floor above, with pipes. The worm and condensing apparatus lead into another room—and this worm drips gin!

The distributing system of this gin mill indicates ingeniousness. For months, the gin was delivered on a water wagon—one of those spring-water wagons that do business in the cities selling water in five-gallon bottles. Gin, like water, is white and colorless, and the possibility for subterfuge is apparent. Thousands of gallons of gin have been delivered by this water-wagon route from this gin mill.

The owner of this gin mill is prosperous. We probed to find out just how prosperous; but with little success. He did admit that he could sell his gin for a $1 a quart, and still have a margin of profit. The price paid for it by a number of clubs—golf, country and other sorts—was $3 a quart, or $12 a gallon; $60 for those five-gallon bottles of "water."

He has been in the business for nine months and had manufactured about thirty gallons of gin a day. He expects to retire from business shortly. Some of the places where he sells gin resell it at a 100 per cent profit. And this gin distiller is, without doubt, but one of at least ten thousand in this country who are manufacturing and selling gin. We positively believe this. Gin is the easiest and simplest of all the "hard" liquors to manufacture.

No Statistics on Whisky Prescriptions

We have still another phase of the costs under prohibition enforcement; medicinal whisky. It was remarked, while we were at the headquarters of the Anti-Saloon League, in New York City, that Wayne B. Wheeler was able to give us some information that the Department of Internal Revenue could not.

After we had made a careful study of the 1922 report, without enlightenment, a letter was addressed to the department. The answer, which states the inquiry, is as follows:

TREASURY DEPARTMENT
BUREAU OF INTERNAL REVENUE

Washington, D. C.

Dear Sir:

This office is in receipt of your letter of May 25, 1923, requesting information in connection with the number of whisky prescriptions issued during the fiscal year 1922, and the amount of whisky withdrawn from bond for purposes of filling such prescriptions.

In reply, you are advised that there are no statistics compiled showing the number of prescriptions issued during the fiscal year, 1922. During the fiscal year, there were withdrawn, from bond, 2,654,506.7 gallons of whisky, the greater portion of which liquor was sold on doctors' prescriptions.

Respectfully,
(Signed) JAMES E. JONES,
Assistant Prohibition Commissioner.

Mr. Jones had no statistics showing how many prescriptions had been issued in 1922. But Mr. Wheeler had them for 1921, although he had not forwarded prescriptions for 1922 to the league in New York. Mr. Wheeler's figures show that 40,806 physicians held permits to prescribe whisky, in 1921, an increase of 8 per cent over the number holding them in 1920!

We wrote again to Mr. Jones and asked him if we had erred in the presentation of our inquiry—if we should have asked how many physicians held permits instead of how many prescriptions had been issued. This time his answer, somewhat nearer to the point, was as follows:

You are advised that the information on file in this office shows that the Federal prohibition directors of the various states reported 44,346 permits issued to physicians during the year 1922.

This shows another increase of 8 per cent over 1921.

It is quite possible the sum total of permits was not on file at the time Mr. Jones answered. Let us examine his answer to our first letter.

He states that the "greater portion" of 2,654,506 gallons of whisky was sold on doctors' prescriptions. There being eight pints in a gallon, let us multiply eight

by the "greater portion," namely, two million five hundred thousand gallons, which gives us enough whisky in pints to fill twenty million prescriptions. Each doctor is entitled to four hundred prescriptions a year, although a recent decision of the courts gives a doctor the right to demand a greater number. But dividing twenty million by four hundred, we find that fifty thousand doctors held permits in 1922. But that many doctors did not prescribe their full number of four hundred prescriptions. Some only prescribed a small portion of the four hundred, from which it would appear that a much greater number than fifty thousand held permits.

It is surprising that the Department of Internal Revenue has no statistics on the exact number of whisky prescriptions filled. Every ounce of drugs that comes into the country, legitimately, is traced to the users. We have already noted that interesting facts are necessarily suppressed at Washington. And there is a real reason for suppression here.

The fact is that Washington made the discovery that more liquor prescriptions were being issued than could be filled by the amount of whisky legally withdrawn from the bonded warehouses—far, far more! Unscrupulous druggists were diluting their whisky and even filling prescriptions with bootleg stuff. Prohibition officials immediately saw to it that all liquor sold on prescriptions must be bottled in bond. And that is not half the story of whisky in the drug stores.

We sought the opinion of prominent physicians as to the number of liquor prescriptions issued in this country. They may have been wrong, but the consensus of opinion was that a total of thirty million prescriptions were filled. That is ten million more prescriptions than we estimated previously, so let us split the difference and make it twenty-five million whisky prescriptions. This estimate may still be high, but it will not make a great deal of difference to us in our

sum total even if it is. We are reasonably certain it is not off more than five million—either way.

We procured a prescription and went to ten reputable drugstores in New York City before we could get it filled. The stated reason for not keeping whisky was because the drug stores refused to be bothered with the government agents and regulations, which, the druggists complained, made living up to the spirit of the law by a conscientious druggist *very difficult*. One of the leading pharmacists gave us the address of a drug store that kept whisky. We bought a pint, bottled in bond, which we took back to the doctor. He pronounced it "raw and unpalatable to the stomach of a sick person."

That pint has cost us $3. Some drug stores charge as high as $5 a pint for the best grade of whisky, or at the rate of $40 a gallon. Prior to prohibition, aged whisky could be bought from the bonded warehouses for 75 cents a gallon; and $1.50 a quart was a stiff retail price. Of course, whisky was taxed unmercifully during the World War and now has a valuation of about $8 a gallon. The importance of this whisky prescription to us, in our search for costs, is that we can multiply its cost, $3, by twenty-five million. Let us recapitulate and tabulate some of our estimates, as follows:

The United States Treasury is out annually[1] in taxes on

Beer	$680,000,000
Wine	20,000,000
Total	$700,000,000
To the above we must add the amount Congress appropriates for enforcement	10,000,000
Total	$710,000,000

[1] Recent semiofficial computations show that the Treasury has lost close to $2,000,000,000 from the revenue on liquor since 1919, based on former rates of revenue.

We pay for liquor under the Volstead Act:

Whisky (prescription)	$77,500,000
Bootleg booze	1,600,000,000
Wine (legitimate and otherwise)	400,000,000
Total	$2,077,500,000

Where have we landed? We have discovered that the country is out $710,000,000 annually to support a $2,077,500,000 illegal industry—another grand total of $2,787,500,000 annual cost under prohibition enforcement.

Staggering Cost of Necessary Enforcement

We have not endeavored to make an accurate statistical presentation, but every figure is substantial; for, at each step, we have demonstrated that these figures are conservative. We might have tried to figure the millions that government does not collect from bootleggers' incomes. The amount collected in fines—less than $3,000,000 in criminal cases for the year ending June 30, 1922—is infinitesimal compared with what the profits of the bootleggers actually totaled. We might have gone into that item of sugar more closely for we have just passed through a period of high prices during which the housewives boycotted sugar. We have not taken into consideration the costs of trial and punishment of the 65,760 criminal and thirty-five hundred civil cases that were instituted last year in the Federal courts —the figures do not include arrests by state and municipal authorities—and which necessitated appointment of new Federal judges.

The greatest difficulty in enforcing prohibition is the money cost. To create a Federal police force large enough to maintain anything that might be called successful prohibition enforcement, would require as much money as the present cost of the rest of the Federal government, including the United States army and navy —more than $3,500,000,000 a year!

In the complex of law enforcement, what is the attitude of the people so far as prohibition is concerned? Psychologists will please reply.

DECLARATION OF THE AMERICAN FEDERATION OF LABOR[1]

WHEREAS: Great dissatisfaction is manifested throughout our country among all classes against the Volstead enforcement law; and

WHEREAS: Many of our people were of the impression that with the adoption of the Eighteenth Amendment it would not exclude the nation's national beverage, that of wholesome beer; and

WHEREAS: The drastic Volstead law has brought about the wholesale illicit manufacture of whisky and other strong alcoholic liquors or concoctions, which has resulted in the deaths of hundreds of our citizens, and has impaired the sight of thousands of others, due to the drinking of concoctions containing wood and denatured alcohol; and

WHEREAS: This deplorable condition has made the Volstead enforcement law unpopular with the vast majority of our citizens; therefore, be it

RESOLVED: That the American Federation of Labor, in the forty-first annual convention, assembled in Denver, Colorado, declares itself in favor of modification of the Volstead law, so as to permit the manufacture and sale of a national beverage of wholesome beer; and, be it further

RESOLVED: That the officers and Executive Council of the American Federation of Labor be and are hereby directed to do everything within their power to have the contents of this resolution carried into effect.

[1] Adopted by the American Federation of Labor, Denver, Colorado, June 22, 1921.

THE FAR-FLUNG PROHIBITION BATTLE LINE[1]

The Christmas battle between the rum-runners and the enforcement agents is on. By land, by sea, by air, the effort to run the prohibition blockade is under way. There is an east front and a west front; a north and a south front. The problem which prohibition officials are called upon to cope with is indicated as follows:

Rum fleets anchored off Long Island and the Jersey coast have been reinforced by ships heavily laden for the holiday trade. To the north a mild December and the absence of snow have held open scores of unguarded Canadian border roads across which are passing fleets of automobiles and motor trucks, full of contraband.

In Pennsylvania, where there are wide open saloons in several large cities of the state, the product is mainly domestic and consists of beer carted out from breweries careless of their Federal licenses to brew near-beer. West of the Keystone state, in Cleveland, Toledo, Milwaukee and Chicago, those who plan an illegal Christmas look to the Great Lakes for their supply.

Determined to peddle their wares in Baltimore and Washington, rum-runners are active on the Potomac River and in Chesapeake Bay, where mosquito fleets of motor boats dart in and out of the broken shore line with cargoes from foreign ships anchored off the Virginia Capes. Besides, a flood of moonshine is threatened by negro bootleggers from Maryland and Virginia. In the Carolinas Georgia bootleggers look to the mountain stills and the coastal inlets for large supplies.

From Nassau, Cuba and the West Indies rum-runners are attempting to get by the scattered coast guard on the Florida and Gulf coast.

On the southern boundary there are fifteen hundred miles of sparsely settled border between Brownsville,

[1] From New York Times. December 16, 1923.

El Paso, Nogales and San Diego, across which smugglers are trying to transport liquors of European origin as well as Mexican brandy, tequila and Chihuahua beer. On the west coast the bootleggers of the Pacific slopes draw upon the neighboring and legally wet territories of Mexico.

QUEBEC CONTROL SYSTEM[1]

The Province of Quebec has adopted a system of state control of the sale of all alcoholic beverages, under which the distribution of beer and wine is entirely disassociated from the sale of hard liquors—whisky, brandy, etc.

The Quebec Brewers' Association spent approximately $1,000,000 in a campaign of education, extending from 1912 to 1919, to bring about the adoption of this effective temperance system.

The saloon or bar—as it was known in Canada and the United States—has entirely disappeared, and for it there has been substituted the tavern, under license by the government, in which beer only is sold for consumption on the premises.

There is no bar in the beer tavern. Customers are served seated at tables. There is neither drunkenness nor disorder in the taverns, and Chief of Police Belangér of Montreal is authority for the statement that he has never had to send a police officer to a tavern. The city of Montreal, with a population of more than eight hundred thousand, is limited to three hundred taverns, and there are only five hundred in the entire province.

Beer is also sold in case lots to the family trade by licensed grocery stores, and served with meals by licensed hotels and restaurants. Wine is also served with meals

[1] From "A Report on the Quebec Beer and Wine System with Particular Respect to Its Effects on Temperance," by Anheuser-Busch, Inc., St. Louis, Mo., October, 1923. p. 2.

in licensed hotels and restaurants, but is not sold otherwise at retail except at the stores of the Quebec Liquor Commission.

All hard liquors are sold only at the stores operated by the Quebec Liquor Commission, a state body. Only one bottle at a time may be purchased.

From the revenue standpoint the Quebec system produces annually $4,000,000 for the Province of Quebec, used for good roads and schools, and $5,000,000 for the Dominion government.

The Quebec system of control has solved the liquor question from the standpoint of temperance, crime, respect for law and effect on government. When its highly beneficial and satisfactory results are contrasted with the disastrous results of the American experiment, all fair-thinking people must be forced to the conclusion that here is a system of constructive control and that the adoption of a similar method in the United States would be productive of equally satisfactory results.

PROHIBITION IS NOW A MORAL ISSUE[1]

The time has fully come to speak one's mind on the subject of the shocking and immoral conditions which have been brought about by the Eighteenth Amendment to the Constitution of the United States and by the legislation enacted pursuant to the provisions of that amendment. That the amendment itself is not only a violation of the principles upon which our government rests, but a revolutionary departure from them, is generally admitted. It is defended on the ground that it served an overmastering moral purpose. It is necessary to examine

[1] By Nicholas Murray Butler, president of Columbia University. Abstract of an address before the Missouri Society at New York, April 29, 1924. Copies of this address may be obtained by addressing Box 213, P. O. Sub-station 84, New York City.

the results from the point of view of public and private morals.

This amendment introduces for the first time a specific and almost unamendable and irrepealable police regulation into a document whose purpose was to set up a form of government and to define and limit its powers. If the Constitution had been amended by adding to the powers of the Congress, as set out in Article I, Section 8, the additional power to regulate or even to prohibit the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes, it would have been a sufficiently radical step; but it would not then have been possible, as it is now, for an insignificant minority of the people to keep upon the statute book any congressional enactment made pursuant to this new grant of power which had proved inefficacious, unenforceable, or immoral. Passing lightly over the fact that there probably are not many territories subject to the jurisdiction of the United States for beverage purposes—a fact which the framers of the amendment in their haste appear to have overlooked—we are now confronted by a situation without parallel in the history of the government. Unless the conscience of the American people is wholly dulled and unless their moral sense has lost all power of expression, they will not long permit this condition to continue without emphatic and effective revolt.

As a result of the Eighteenth Amendment, we now have a nation-wide traffic in intoxicating liquors which is unlicensed, illicit, illegal, and untaxed. We have introduced intoxicating liquor into parts of the country from which it had well-nigh disappeared and in hundreds of communities we have multiplied many times the saloon, if a saloon be defined as a place where intoxicating liquor may be purchased whether for consumption on the premises or not. We have brought about a situation in which

we challenge the ingenuity and sporting instinct of millions of young persons to test whether or not they can safely violate a law for which they have no respect. We have invited and induced a spirit and a habit of lawlessness which are quite without precedent and which reach from the highest ranks in the nation's life to the lowest and most humble. If the Anti-Saloon League on the one hand and the bootlegger and persistent law-breaker on the other, had conspired together to bring nominal glory to the first and certain profit to the second, they would have united in urging the precise course of action which has been followed.

The reason why the national prohibition law is not enforced is that it cannot be enforced. The reason why it cannot be enforced is that it ought not to have been passed. In its attempted forcible interference with the food and drink and medicine of the people, it is a form of oppression to which a free people will never submit in silence. No liberal can possibly defend it. The unmoral conditions which have followed the ratification of the Eighteenth Amendment are the direct and natural results of its own immorality. The principle involved cannot be better stated than in the words which President Coolidge used in his address to the American Bar Association at San Francisco on August 10, 1922. He then said: "In a Republic, the law reflects rather than makes the standard of conduct. The attempt to dragoon the body when the need is to convince the soul will end in revolt."

The Volstead Act states a conscious lie when it defines as intoxicating that which everyone knows is the contrary. It oversteps the authority of the Eighteenth Amendment when it attempts to interfere with the use of alcoholic liquor as medicine, and it affronts, if it does not invade, the Bill of Rights at every possible point. The latest and most alarming suggestion, made on the floor of the House of Representatives, is that the Eighteenth Amendment, coming as it does after the Bill of

Rights, repeals any part of that historic document with which it may be in conflict.

There are those who would be satisfied with urging that the Volstead Act be brought into accord with the Eighteenth Amendment and that the untruths and lawlessness be taken out of it. That program is good so far as it goes, but it is the Eighteenth Amendment itself which offends and which is the corner-stone of the whole vast immoral, degrading and law-breaking system that has been built upon it.

The appeal is now to be made to the men and women of religious faith, of moral principle, and of public spirit to cast off the scales that have closed and darkened their eyes and to face the terrible facts that confront them on every hand. Senators and representatives in Congress and members of state legislatures nonchalantly vote for prohibitory legislation and quickly betake themselves for refreshment to a drink of alcoholic liquor. Judges sentence men to fine and imprisonment for having been detected in doing what other judges do without detection. A voluble and sarcastic advocate of strict enforcement of the prohibitory law himself joins in a toast, drunk with intoxicating liquor, which he offers with these words: "Prohibition: it is good for the other fellow!" Whenever you hear a public officer or a candidate for elective office cry out with particular unction for law enforcement, tap him on the hip. Such is the pass of hypocrisy, of double-dealing, of cowardice, and of public and private immorality to which we have been reduced by the policy of prohibition.

What can one say of those who, while calling themselves ministers of the Gospel of Christ,—God save the mark!—pass resolutions of confidence in a convicted criminal, tender him a substantial gift of money wrung from their deluded dupes, and roll their eyes to heaven giving thanks that they are not as other men. In what respect do they differ from those hysterical and un-

balanced women who shower convicted murderers with flowers and sweetmeats? How dare they stand in a pulpit called Christian and so violate both the practice and the teachings of Jesus Christ himself?

A prominent citizen of a neighboring state, who was publicly upholding and defending the prohibitory laws and daily violating them in his own domestic life, was asked how he reconciled his practice with his profession. He answered with unblushing cynicism, "We like the hypocrisy of it; it pleases us to have these prohibitory laws on the statute book."

Politicians without exception assure us that there can be no issue made of the prohibition question, that any party will go down to destruction which touches it, and that present conditions must be permitted to exist and to develop as they are. They insist that the repeal of the Eighteenth Amendment is impossible, and that there can be no cure for the conditions that have followed its ratification. In other words, their estimate of the intelligence and morality of the American people is that they are too ignorant, too stupid, and too cowardly to rise to their feet and with burning moral indignation to sweep from power this whole army of impostors, fanatics, and unworthy spokesmen of the public will. They forget, however, that while party platforms may avoid the moral question raised by prohibition, political issues are primarily made not by platform declarations but by the people themselves.

There was originally no moral question raised by the policy of prohibition. It is no more moral or immoral to drink or to refrain from drinking alcoholic liquor than it is to eat or to refrain from eating roast beef or buckwheat cakes. Drunkenness, like gluttony, is a vice because it shows lack of self-control and the excessive use of something which may in itself be not only innocent but beneficial. The provisions of the Eighteenth Amendment reflect a state of mind, a condition of opinion, and have

nothing more to do with morals than have the provisions of the Seventeenth Amendment, which relates to the mode of electing senators. Now, however, a distinct and burning moral issue has been raised by the results of the prohibition policy. That issue is whether the American people will have the intelligence, the courage, and the persistent strength to strike from their Constitution and their statute book the hateful cause of all this demoralization, and, following with the well tested experience of their neighbors in Canada, to adopt a rational, a moral, and a practical method of abolishing the saloon, of regulating and restricting the liquor traffic, of removing the chief cause of lawlessness among us, and of greatly promoting the cause of temperance and good morals both public and private.

On this whole question as it affects our nation, let me read a very striking editorial which appeared in the Daily News of Greensboro, North Carolina, on August 30, 1923, with the title, "The Disregarded Constitution":

The President called upon the Southern Newspaper Publishers' Association for support of the Constitution of the United States, and his advice will be received with loud acclaim by many men and newspapers who have not the slightest intention of following it. The Constitution of the United States has become, like the tariff, a local issue. In its entirety it is accepted and loyally supported nowhere. The various sections obey such parts of it as accord with their sectional ideas and prejudices but conveniently forget all about others.

The southern newspapers, to choose for an example the audience to whom the President addressed himself, while they may applaud Mr. Coolidge's utterance, will not therefore support any more loyally that part of the Constitution embodied in the 14th and 15th Amendments to the original document. Literal application of those amendments is impractical, and every southern newspaper knows it. Why be mealy-mouthed about it? Why proclaim our undying loyalty to the Constitution when we are thoroughly convinced that in this particular the Constitution is wrong and it would be criminal folly to try to enforce it literally?

Why not be honest? Why, because absolute honesty would require that we accord the same privilege of critical selection to others. We should be estopped from abusing New York for

refusing to accept the 18th Amendment. We should be estopped from abusing California for rejecting the Bill of Rights.

As long as one can purchase intoxicants without difficulty in the north; as long as the right of free speech is denied in the west; as long as negroes are not permitted to exercise all the rights of citizenship in the south, there are at least three large rents in the document which nobody is disposed to mend. The south is willing to sew up the holes that the north and west have made. The north and west are equally ready to grant everything to negroes. The north shares our horror at the suppression of free speech in the west, and the west is as indignant as we are at the wetness of the north. But the trouble is that each section must first cast the beam out of its own eyes before it can see clearly to cast the mote out of its neighbor's eye; and that none of us is willing to do.

In addition there has arisen recently a disposition to make still another hole in the Constitution by demolishing the 1st Amendment through an indirect establishment of religion. This is by no means sectional. It has appeared in a number of states widely separated geographically. It is the proposal to limit by statute the liberty of teachers in state-supported educational institutions to teach scientific truth. The only reason advanced for this astounding proposal is the fear that the spread of scientific truth might result in the overthrow of certain current religious beliefs. Therefore the law is invoked for the protection of these threatened religious beliefs. By suppressing the teaching of science it is proposed to establish these beliefs forever; which is a procedure explicity forbidden in the 1st Amendment to the Constitution of the United States.

The fact is that, in spite of our vociferous lip-service, the Constitution is held in exceedingly slight esteem in this country. We cheer President Coolidge's words enthusiastically; but we don't believe them for a moment.

This is an exceptionally frank and helpful expression of opinion from a responsible source. It tears the mask of hypocrisy from the face of those who, while for fifty years systematically disregarding the Fourteenth and Fifteenth Amendments, now cry for the strictest possible enforcement of the Eighteenth Amendment. It illustrates once more that a large part of the demand for law enforcement of which we are hearing so much, is really not a demand for law enforcement at all, but rather for that particular form of lawlessness to which those who raise the clamor are chiefly addicted. It is high time to rebuke as it deserves the insolent and vulgar classification

of our citizens into wets and drys—unless, indeed, the word dry is in this instance the appropriate designation of those whose influence is exerted to develop among us rivers whose streams, like some of those in Arizona, flow unobserved and underground.

Our sad experience with the futile attempt at Federal prohibition does not stand alone. The London Times on March 27 prints a dispatch from Christiania reporting the decision of the Cabinet Council to introduce a bill in the national legislature of Norway to repeal the prohibition laws. The conditions which have arisen under those laws in Norway are described as insupportable. Effective control has been found to be impossible, and the government declares that the only way out of the present state of things is to repeal prohibition and to resume the fight against the drinking evil by voluntary abstinence and the institution of public control over the turnover of alcoholic liquors. This is to travel the road of sense, of practical effectiveness, and of true temperance. Only four days later the London Times again reported that in Finland, owing to the disastrous effects of the prohibition act both on the general level of sobriety and in encouraging smuggling and other forms of law-breaking, anti-prohibition is on its way to become an election issue and that candidates at the next legislative election would be definitely pledged to the repeal of the prohibition act.

Such a situation as confronts us in the United States is intolerable, solely and exclusively from the standpoint of morals. It has nothing to do with the appetite for alcoholic liquor, whether that appetite be controlled or uncontrolled. It has nothing to do with local measures, prohibitory in character, which respond to the substantially unanimous sentiment of a local community. It has to do with the attempt to turn and twist our Federal form of government until it becomes an instrument of tyranny and to destroy the Constitution of the United States by injecting into it mere police regulations which, however

important any one of them may seem to be at any particular time, are of quite subsidiary consequence when contrasted with the provisions upon which our form of government rests.

There is a close parallel between slavery and prohibition. Slavery was not long ago proclaimed as the principal cause of civilization, indeed as the sole cause. It was defended and extolled as a divine institution by precisely the same type of clerical mind that defends and extols prohibition. It ate out the vitals of our nation for over a half-century, just as prohibition is doing now. It was incorporated in our constitutional system, and even as late as 1861 the attempt was made to amend the Constitution that it could never be abolished. Even after Lincoln had been inaugurated and the Civil War had begun, this proposal was ratified by the states of Ohio, Maryland and Illinois. Men and women of the highest intelligence and noble character who hated slavery were called upon to accept it and to obey the laws based upon it because they were the law. Precisely the same arguments are urged in support of the Eighteenth Amendment and the Volstead Act, and precisely the same attitude is taken toward them. My own feeling toward prohibition is exactly the feeling which my parents and my grandparents had toward slavery. I look upon the Volstead Act precisely as they looked upon the Fugitive Slave Law. Like Abraham Lincoln, I shall obey these laws so long as they remain upon the statute book; but, like Abraham Lincoln, I shall not rest until they are repealed. The issue is one of plain, simple, unadorned morality.

With these obstacles to temperance and orderly government out of the way, with the police power of the states, which should never have been diminished or invaded, restored to them, it will be quickly possible to build a constructive policy upon the foundation of the system which works satisfactorily in the Province of Quebec and in Sweden. By this system the saloon is abolished be-

cause it is made not only illegal but unprofitable, the consumption of alcoholic liquor is greatly diminished, the food and drink and medicines of citizens in their own homes are not interfered with, and the immense revenues now illicitly appropriated by the bootlegger are restored to the public treasury and the crushing burden of the taxpayer greatly relieved.

With all this experience before them, those who remain satisfied to demand the enforcement of a demonstrably unenforceable law must accept responsibility for being the silent partners of the bootlegger and a powerful contributing cause to that spirit of lawlessness which threatens the foundations of our whole social and political order.

BRIEF EXCERPTS

The Volstead Act is being generally violated.—*Louis Graves. Atlantic Monthly. 127: 525. April, 1921.*

More people are alcoholic because they are feeble-minded than vice versa.—*Dr. Henry H. Goddard. Feeble-mindedness, Its Causes and Consequences. p. 492.*

No nation is drunken where wine is cheap.—*Thomas Jefferson in a letter to Monsieur de Neuville dated December 13, 1818.*

Beer containing three per cent by volume of alcohol, or 5.25 per cent of proof spirit, is a non-intoxicating liquid.—*Dr. H. M. Vernon. British Journal of Inebriety. 18: 76. October, 1920.*

The saloon is frequently the only place in which the poor man can be sure of warmth, comfort, and companionship.—*Report of the Commission to Investigate Drunkenness in Massachusetts. 1914. p. 34.*

The definition of an intoxicating beverage contained in the Volstead Act is not an honest or a common

sense one.—*Governor Alfred E. Smith. Memorandum on Approval of Bill to Repeal the Mullin-Gage Law. June 1, 1923.*

Taking its toll of thousands and thousands of lives by slow poisoning, prohibition is a breeder of contempt for law and a menace to the country.—*Alonzo G. Hinkley, Judge of the Supreme Court. Buffalo Evening News. December 19, 1923.*

Neither the prohibitionists nor any one else appears to be willing to pay the price of effective federal enforcement: hundreds of millions for spies in every city block and village and wooded valley.—*New Republic (editorial). June 14, 1922.*

The disregard of the national prohibition law, encouraging as it does a contempt for law in general seems to many observers to constitute an evil that outweighs any incidental benefits.—*Louis Graves. Atlantic Monthly. 127: 527. April, 1921.*

The Volstead Act serves merely as a source of corruption and intemperance in every community where a considerable body of citizens remain unconverted to the policy of political regulation of their personal habits.—*Freeman. 7: 412. July 11, 1923.*

There is no escaping the conclusion from the mass of available evidence, that the enforcement of prohibition has created a demand for, and produced a traffic in, habit-forming drugs among a dangerously large proportion of the lower classes in the South.—*Dr. Edward H. Williams. The Question of Alcohol. p. 28.*

Accompanying the decline of personal liberty there has been an increased disrespect for the law. Those who are rebellious and decline to acquiesce with the

present trend and still insist on their individual rights are in the minority.—*Sylvan H. Lauchheimer of Baltimore, President Maryland State Bar Association.*

Prohibition at its best has never absolutely prohibited, it has merely reduced somewhat the consumption per head by the population; at its worst it has tended to increase consumption per head by reason of a well-understood trait of human psychology.—*Raymond Pearl in Starling, Ernest H. The Action of Alcohol on Man. p. 214.*

A large part of the community has always attributed many criminal acts to intoxicating drinks. I am convinced that with such crimes as murder, burglary, robbery, forgery, and the like, alcohol has had little to do. Petty things, like disorderly conduct, are often caused by intoxicating liquor, and these land a great many temporarily in jail, but these acts are really not criminal. —*Clarence Darrow. Crime, Its Cause and Treatment. p. 197.*

If I am to deal with prohibition, there is no doubt of the first thing to be said about it. The first thing to be said about it is that it does not exist. It is to some extent enforced among the poor; at any rate, it was intended to be enforced among the poor; though even among them I fancy it is much evaded. . . Prohibition never prohibits. It never has in history; not even in Moslem history; and it never will.—*G. K. Chesterton. What I Saw in America. p. 141.*

It is generally agreed by students of the municipal police problem in this country that a very large part of the police corruption and inefficiency for which American cities have acquired an unenviable reputation is traceable to charging the regular police with this function of enforcing standards of morals with which in

many cases a large portion of the population is not in sympathy.—*Herman G. James. Municipal Functions. p. 30.*

"Dry" men are more critical of each other, more self-conscious, and are harder, drabber in speech. Iced water, ice cream, icy eyes, icy words. Gone the mellowness, generosity, good humor, good nature of life. Enter the will-bound, calculating, material, frigid human machine. Strange that the removal of this thing, supposed to pander to the animal in us, makes one feel less a man and more an animal, above all, an ant. —*Ferdinand Tuohy. Literary Digest. 64: 52. January 17, 1920.*

Many laws which interfere with the habits, customs, and beliefs of a large number of people, like the prohibition laws, never receive the assent of so large a percentage as to make people conscious of any wrong in violating them, and therefore people break them when they can. Often this class of laws is enforced upon offenders who believe the law is an unwarrantable interference with their rights, and thus causes convictions where no moral turpitude is felt.—*Clarence Darrow. Crime, Its Cause and Treatment. p. 133.*

The administration of the federal prohibition enforcement division has been an entire failure, resulting not only in serious injury to legitimate industry, but in reality adding bootleggers. This arraignment of Prohibition Commissioner Roy A. Haynes and his predecessors was made today in a report of the committee on legislation of the National Wholesale Druggists Association, now holding its fiftieth annual convention here. The report, which met with the unanimous approval of the delegates, including those from the American Chemical Society, was submitted by C. M. Kline.—*New York Times. September 24, 1924.*

In defining intoxicant and in fixing the maximum alcoholic content which may legally be present in beverages, the Volstead act does not represent an honest, or fair, or reasonable interpretation of the constitutional amendment. The widespread disrespect for the extreme features of the Volstead Enforcement act has contributed mightily to engendering widespread disregard for the majesty of law and order in general, and that this result is a perfectly normal, natural and unavoidable result of a piece of legislation involving such drastic and fanatical phases. As a practical measure, the Volstead Enforcement act in its severity is a failure. In spite of millions lavished in the attempt, in spite of an army of political appointees and a liquor navy, it is not being enforced. It cannot be enforced and it will never be enforced.—*Professor Charles L. Durham. New York Times. September 21, 1924.*

Wayne B. Wheeler, general counsel for the Anti-Saloon League of America, asserted that the best Christmas gift to the American people was the one brought by prohibition. Mr. Wheeler claimed that in the last four years of its operation national prohibition had saved 873,000 lives. No one, however, with any knowledge of the facts would lay this entire saving to prohibition or to any other single item. Most of the saving in human lives was caused by the prevention of transmissible diseases, reduction in infant mortality and to the intensive campaigns which have been carried on for many years by the United States Public Health Service, State and Municipal Health officials, by large national organizations, such as the National Tuberculosis Association, the American Social Hygiene Association, the American Child Health Association, the American Public Health Association and by insurance companies. —*Lee K. Frankel, New York Times. January 7, 1924.*

Whatever may be our individual ideas on the subject of temperance and prohibition, we believe that there

can be no doubt that this law tends to debauch and corrupt the police force. It interferes with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men as felons because, in their own conscience, they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship thinking one way to interfere with the private conduct of another body thinking another way.—*Unanimous report of a grand jury in Kings County, N.Y. (the city of Brooklyn). New York Globe. December 22, 1922.*

He [President Wilson] felt that it was unreasonable for Congress, in the Volstead Act, to declare any beverage containing an excess of one half of one per cent of alcohol intoxicating and that to frame a law which arbitrarily places intoxicating and non-intoxicating beverages within the same classification was openly to invite mental resentment against it. He was of the opinion that it required no compromise or weakening of the Eighteenth Amendment in order to deal justly and fairly with the serious protests that followed the enactment into law of the Volstead Act. He was, therefore, in favor of permitting the manufacture and sale, under proper governmental regulations, of light wines and beers, which action in his opinion would make it much easier to enforce the amendment in its essential particulars and would help to end the illicit traffic in liquor which the Volstead Act fostered by its very severity. This would put back of the enforcement of the Eighteenth Amendment the public sentiment always necessary to the execution of laws.—*Joseph P. Tumulty. Woodrow Wilson as I Know Him. p. 409-10.*

At the Senate Committee hearings, when the Volstead Act was under consideration, the results of many exhaustive tests were presented. These tests consisted mainly of careful observations of the effect upon many subjects after drinking beer with a percentage of 2.75 alcohol by weight, equivalent to over 3 per cent by volume. These tests were conducted by some of the best known medical and scientific authorities in the country, including Professor Hare, who for 28 years has been the professor of therapeutics in the Jefferson Medical College of Philadelphia; by John Marshall, Professor of Chemistry and Toxicology in the University of Pennsylvania for over 20 years and Dean of the Faculty of Medicine there for ten years. Tests were also made by various others whose positions in the country cannot be successfully assailed. These men all testified that, after numerous tests upon all classes of human subject, they were convinced it was impossible to become intoxicated by a consumption of beer with this percentage of alcohol.—*Senator Walter E. Edge. Annals of the American Academy. 109: 75. September, 1923.*

We believe the Eighteenth Amendment is an unwarranted intrusion upon the rights of the States. The use of the Constitution as an instrument for sumptuary legislation does violence to the purposes and objects of the founders of the Republic, and is destructive of the basic scheme of government therein provided. The unwisdom and futility of departing from the plan of government thus given us by our forefathers is demonstrated by the consequent results. In the wake of the amendment has trailed corruption of government on a scale unparalleled in the history of the country, a lack of enforcement and general disrespect for all law. These attendant evils strike at the very foundation of the Government and require quick and courageous efforts at correction.

We assert that the Volstead act and the Hobart Enforcement act of the State are fanatical and unreasonable

interpretations of the amendment and lack the sanction of popular approval.

We demand immediate action by Congress that the Volstead Act be so amended as to permit the manufacture and sale of wines and beer in order to provide a measure of relief from a condition of lawlessness which has been created by the passage of this act. We call attention to the open and flagrant violations of this and similar laws as providing that the United States Government is unable to enforce a law which has not the support of a large proportion of the people of the United States. We believe a continuation of such a situation breeds contempt for all law and order and tends to engender a new class of criminals who are preying upon the people of this country.

In order that New Jersey may not continue a party to such a demoralizing situation, we demand a repeal of the State enforcement act, believing that through such a repeal notice will be given to the people of New Jersey and to the people of the United States that our State has done everything in its power to correct the evil which is recognized to exist.—*New Jersey State Platform of the Democratic Party for 1924.*

Our committee was advised that, taking the country as a whole, 44 per cent of the time of the United States district attorneys is devoted to prohibition cases. This is not a mere estimate. It is the analysis of replies to a questionnaire addressed by the department to all district attorneys throughout the country. One of the singular and worth while mentioning coincidences of this condition is that the district attorneys in prohibition States—you know I mean States where prohibition was in effect before the adoption of the eighteenth amendment—are required to devote a great deal more of their time and energy to enforce the Volstead law than is expected of them in the States that did not adopt prohibition voluntarily but had it forced upon them.

Take my own State of Massachusetts, for instance, which now and then the prohibitionists refer to as being composed of stubborn and lawless people. In the old Bay State only 30 per cent of the time of the United States district attorney was devoted to prohibition matters last year, while in the southern district of prohibition, Alabama 90 per cent of the district attorney's time was used up in the same cause. North Carolina is one of the old prohibition States and it stood for the dry law long before the adoption of the eighteenth amendment, and yet last year 70 per cent of the time of Uncle Sam's attorneys in that State had to be given to cases brought under the Volstead Act. In prohibition West Virginia it was 70 per cent in the southern district and 60 per cent in the northern district. In Arizona, 60 per cent; in Arkansas, 50 per cent; in southern Florida, 60 per cent; yes, and in Kentucky, the home State of my friend Mr. BARKLEY, one of the most eminent "drys" in this House, it averages 75 per cent. In northern Mississippi it runs to 55 per cent, and in the southern part of that beautifully dry State it is over 50 per cent. Wyoming, which has always been a garden spot of the drys, requires their United States attorneys to spend 45 per cent of their time prosecuting violators of the sacrosanct Volstead law. And Georgia, the driest State in this whole House [laughter], needs them 60 per cent of the time.

And lo and behold even the State of our brother VOLSTEAD demanded 60 per cent of the time of the United States attorney to prosecute the bootleggers and the moonshiners and the experts who have developed the "white mule" industry.—*James A. Gallivan. Congressional Record. February 24, 1923.*

NEGATIVE DISCUSSION

PROHIBITION'S GIFT[1]

The best Christmas gift to the American people was the one brought by prohibition. A few of the cumulative results of four years of sober industry are:

A cut in the death rate that saved eight hundred seventy-three thousand lives, profiting the insurance companies and policy holders $678,769,000.

A decrease in the rate of preventable illness equivalent to 1,747,950 people continuously ill for one year.

A reduction in the ratio of drunkenness arrests per one hundred thousand population equivalent to five hundred thousand fewer arrests for drunkenness in 1923 alone, or over two million fewer in the four dry years.

A decrease in the penal ratio resulting in twenty thousand fewer persons being committed to penal institutions in these four years.

Elimination of intemperance as a cause of poverty, releasing $74,000,000 of charity funds for constructive work.

Wiping out 177,790 licensed saloons, around which huddled the homes of families whose revenues were drained by the liquor leach.

Over a billion dollars added to our savings accounts and over eleven billion dollars to our new life insurance policies in 1923.

Increased the taxable wealth of former license cities by increasing valuation of former saloon sites.

Lowered industrial accidents by a quarter of a million annually.

Made possible vast expenditures on moving pictures, athletic equipment, and other wholesome entertainment which replaced the saloon.

[1] Statement issued by Wayne B. Wheeler, general counsel, Anti-Saloon League of America. January 24, 1923.

Made roads safer for the four million automobiles manufactured last year, many of which were bought by former impoverished drinkers.

Increased home building by two thousand more new homes built per month in 1923 than in 1919, in spite of higher costs.

Added a daily Pentecost of three thousand new members to the churches.

Sent throngs of youths and girls to high school and college by eliminating the liquor drain on the family purse.

Prohibition was not unaided in creating these benefits, but only a sober, thrifty and industrious country could have wrought these things.

DRY LAW IS WORKER'S FRIEND[1]

Prohibition has been of incalculable benefit to the workers in American industry, particularly those in the steel industry, and their families, Judge Elbert H. Gary, chairman of the Board of the United States Steel Corporation, declared yesterday in an interview for The New York Times at his office, 71 Broadway.

Based on observation and reports from officials of the Steel Corporation in plants throughout the country, Judge Gary's conclusions on the effect of the Volstead Act and the various state prohibition enforcement laws furnished a convincing argument for the retention of complete prohibition. According to Judge Gary, the effects of prohibition, despite the admitted violations of law in the large cities, have included a decrease in the consumption of intoxicating liquor, a decrease in crime and poverty, an increase in the health of the workers and their families and their savings deposits.

These advantages to the workers have been coupled with an improvement in the working ability and disposition of the employees, according to Judge Gary. Even

[1] From the New York Times. July 31, 1923.

without the material and moral advantages to its employees, Judge Gary said the Steel Corporation would be for prohibition, because it pays.

Judge Gary declared himself against any modification of the prohibition laws.

Opposes Wines and Beers

"How do you feel about an amendment to the Volstead Act to permit the manufacture and sale of light wines and beer?" he was asked.

He replied:

I wouldn't favor it. Perhaps, if I had been called upon to express an opinion in regard to the adoption of the original law, I might have decided in favor of permitting the manufacture and sale of beer and wine with alcoholic contents small enough to make them safe under the opinion of the best medical authorities. If I should express the opinion of a layman, which, it must be admitted, is not valuable, I should say about four per cent of alcoholic content.

However, as the law was passed in its present form, I think it would be a mistake to amend it in favor of light wines and beer.

Judge Gary said that the Steel Corporation, through its officers and plant superintendents in many parts of the country, had made a close observation of the effects of prohibition, even before the adoption of the Federal amendment and the enactment of the Volstead Act, by watching the results of prohibition laws in the states.

Judge Gary said:

Of course, there are always some persons who will object to the passage or enforcement of any penal or prohibitory law and, as a rule, they are the men who do the most talking on the subject; I have no hesitation in saying with emphasis that the Volstead act and State laws for prohibiting the manufacture and sale of intoxicating liquors have been very beneficial to the industry of this country and to the workmen connected with it and their families.

Says Savings Increase

While there have been violations of these laws, particularly in the larger cities, while there has been illicit manufacture of "hootch," so-called, and while there has been more or less boot-

legging, yet as a total result of the prohibitory laws there has been a large decrease in the use of liquor, at least in the vicinity of our various plants throughout the country.

There has been a noteworthy decrease in the number of jails, asylums and hospitals. There has been an increase, and a large increase, in the bank balances of savings deposits. The health of the people has improved. The families of workmen are better clothed and better treated. The attendance of the workmen and their families at church, of the children in schools and of all of them at clean, legitimate, healthful resorts and places of amusement, has materially increased.

The sale and use of automobiles has been largely increased by the fact that a large majority of the workmen now prefer to take excursions with their families by automobile instead of spending their time at the saloons or other places and wasting their money in practices that are physically injurious instead of beneficial.

At a meeting of steel men recently, it was stated by one of those present that the families of the workmen in the steel mills would vote with practical unanimity in favor of total prohibition, although some of the husbands might, perhaps, be in favor of the sale of beer and light wines.

All in all, however, there is no doubt that a large preponderance of the workmen of this country are in favor of the prohibition of the sale and use of all intoxicants from the standpoint of good morals, good economics and peaceful social relations.

We should all remember constantly that if any one law is broken and the offender is unpunished or unprotected, some other person may decide to take the same course with respect to another law. It is a simple but important fact that the only safety of this country is found in the adoption and enforcement of laws which are calculated to protect all the people and which discriminate against none.

Cites Birmingham

Judge Gary added that a striking example of the favorable effects of prohibition had been shown in the improvement in conditions in Birmingham and other steel towns in Alabama after the passage of a strict state prohibition law a year or two before nation-wide prohibition. Judge Gary said that the acquisition of the Tennessee Coal and Iron Company by the Steel Corporation had been followed by a rapid expansion of its busi-

ness, the Steel Corporation expending about $150,000,000 in development and improvements.

This expansion, he said, brought about rapid increase in population, and some of the Alabama steel cities took on the characteristics of frontier mining towns. Crime increased; there were shootings in the streets and a general looseness of action on the part of many of the steel mill employees. With the passage of the Alabama state prohibition law all this changed, he said. A new jail, which had been built and filled, became empty and had been converted to other uses. The families of the workers, both white and negro, are prosperous. The children are receiving good schooling, and even a large hospital, which the corporation built in Birmingham, filled before prohibition, is now half empty.

PROHIBITION HAS MADE GOOD[1]

In the past two tempestuous years, the numerous false wigs and masquerading costumes of the alcohol problem have been stripped off, one after another.

Alcohol isn't and never was a food. It isn't essential to health, or needed as a medicine. It isn't necessary as a source of revenue. Its taboo does not and will not paralyze business, or throw any body of men out of employment, or ruin any class of fruit growers or farmers.

The simple, sole, central and final problem to which we have at last come down squarely is, "Can we stand the jolts of life's highway without a narcotic shock-absorber? Can we do without a pair of rose-colored, spirituous spectacles for occasional wear?"

Alcohol is not a food, for the simple and sufficient reason that, to put it very crudely, it is some thirty times as poisonous as it is nourishing. The utmost amount of it that we can possibly burn clean and turn into heat

[1] By Dr. Woods Hutchinson. Hearst's International. 42: 81-4. July, 1922.

or work in twenty-four hours is two ounces, while our body gas-engine demands the fuel value of sixty-four ounces of alcohol (that is, two quarts of alcohol or five quarts of raw whisky) every day to keep it running properly. So that if we undertook to live on alcohol we should have to take our choice between starving to death, if we limited ourselves to one-thirty-second of a ration, which we would utilize without injury, or speedily dying dead drunk (in technical terms, of "acute alcoholic intoxication"), if we attempted to engulf our five bottles of whisky daily.

What a joke alcohol really is, in the way of food, may be glimpsed from another point of view in the light of our recent experiences. The steady soakers and habitual drunkards at one end of the social scale and the feather-wits who love to consider themselves fast and fashionable, dwellers in the land of Lobsteria and baskers in the glare of White Lights, at the other, probably drink almost as much as they did before the drought. But the overwhelming mass of the 90 per cent of decent hard-working, self-respecting citizens all over the country are consuming at least 50 per cent and probably nearer 65 per cent less than they did before the constitutional amendment.

The net result, even after allowing for all the attempted consumption of home brew high explosives, is that less than a third as many tons of good, wholesome, nutrituous grains, fruits and roots are being turned into alcohol as formerly. As only about one-fourth of the total food value, or fuel energy of the barley, corn, apples, grapes, etc., distilled, is recovered in the form of alcohol, this means that thousands of tons of nourishing bread and cereals and appetizing and refreshing fruits are placed upon the markets and in the grocers' windows for use upon our tables, without extra charge.

In other words, even supposing—which is far, far from the truth—that all the alcohol produced was con-

sumed well within the two ounces a day limit of clean combustion, the nation has gained four times as much food value as it has lost, by wiping out the alcohol industry.

The quality of this saving has been even more important than its quantity, for the amount involved is so great that the law has practically placed fresh fruit free, on every table in the land every day in the year. What that means to the health, welfare, and comfort of children can scarcely be over estimated in the light of our recent discoveries of the priceless, life-giving value of those growth-foods, known as vitamins. These are abundant in fresh fruits and fruit juices, but are totally destroyed and lost in the processes of fermenting and distilling.

Careful and thorough researches in the laboratory, undertaken in a last despairing attempt to discover and prove some point of value and wholesomeness in beer and wine, have utterly failed to disclose even a trace of vitamins in the sparkling cup.

This satisfactorily explains the apparent paradox that the California wine-grape growers who, when the prohibitory law was first passed, were on the point of digging up their vines and putting down their land to some other crop, instead of losing their market and facing financial ruin, have had, and still have, the keenest demand for all the grapes they can possibly raise at the highest prices that they have ever known.

The farmer, or merchant, or working man has simply taken the money that he had formerly spent upon wine and beer for himself, and applied it to buying grapes and apples and oranges and butter and milk and ice-cream and green vegetables for his wife and children.

No wine every yet vinted is one-fifth as "strengthening" as the grapes out of which it is made, having lost all its vitamines and much of its iron; no beer however cooling and comforting one-third as nutritious as the

barley which was destroyed to brew it; no bitter ale or stout is half as good a tonic and digestion-improver as the malt and hops which have gone into it, or the clear, fresh, bitter of grape-fruit or lettuce, or green chicory. Indeed, these fresh fruits and green vegetables and crimson tomatoes and golden carrots and cabbage and alfalfa, with their heavy charge of vitamines, have been found to be the only real appetizers, nature's own digestive tonics and stomach bitters.

One of the most heart-broken and genuine outcries of distress and dismay that rose toward the sky when the shadow of the Great Drought began to threaten was the bitter plaint of those worthy mothers in Israel who simply couldn't see how they were going to get along without a big bottle of "good old whisky" on the top shelf of their home medicine chest. The very idea of trying to keep house without it, especially in country districts, miles away from a doctor, was like going to sleep at night with the door unlocked, or having a funeral best parlor without a family Bible.

One of the most significant and revealing results of the new law and as unexpected as it was interesting, was a finding recently reported in our great national medical paper, the Journal of the American Medical Association.

Careful inquiry was made covering one hundred twelve thousand practicing physicians scattered throughout the union, with the startling result that of all this number of busy doctors, in active practice in great cities, in state capitals, in industrial centers, in country towns and in rural districts, only 33,379, less than one-third, had thought it worth while to take out permits to prescribe whisky or brandy for medicinal purposes. A more impressive proof of the light esteem in which alcohol is held for remedial purposes could hardly have been imagined.

The number of physicians covered is the total licensed to practice medicine in the twenty-four states which

permit doctors to prescribe whisky or brandy; the remaining states by local laws forbid absolutely either the writing or the filling of prescriptions for whisky or brandy.

One statement can now be made with absolute sureness, and that is that all over the country has occurred a most unmistakable and striking decline in the general death rate from all causes, until it has now reached its most triumphant low-water mark in all recorded history.

Just as a single illustration to serve as a type of all the rest, the death rate for the entire United States has fallen in the last three years from 14.2 to 12.3 per thousand, or a saving of over two hundred thousand lives per year. Certain of our great cities, New York for instance, have actually, in some of their monthly rates, fallen below twelve and gone down well toward eleven per thousand.

It is true that this downward trend of the death rate was under way before prohibition and therefore we cannot claim that the improvement in public health, which has accompanied the years of drought, has been solely or even chiefly caused by the lessened use of alcohol. Yet it is also true that this downward trend of the death rate has been distinctly accelerated since the adoption of prohibition.

So that as far as any lowering of the vigor and vitality of the nation from depreciation of our customary daily glass of wine and beer is concerned, we can bluntly and positively say that the three years have not yielded one shred of evidence in its support.

For example, the disease which has shown the greatest falling off in its mortality, is tuberculosis—a disease, the chief and almost only weapon against which is abundance of good food, good housing and sleep in the open air. Saving the money which has been worse than wasted on alcohol and applying it to the four or five times as much health and nutritive value which it would

purchase in the form of good food, better housing and clothing and sleeping porches, to say nothing of country and seaside vacations, and basket suppers in the parks, has already cut down the death rate from this dread malady nearly 20 per cent and saved the nation tens of thousands of lives.

Almost unanimous reports from public school teachers, school and district nurses, welfare workers among the poor, intelligent police chiefs and heads of charitable organizations, show that never, in all their experience, has there been so striking an improvement in the feeding, the clothing, the general comfort and welfare of school children as within the last two years.

Children are making better progress in their studies, not only because they are better clothed and fed, but because they come to school less tired and exhausted by the various kinds of wage-earning jobs and errands, which they are no longer obliged to undertake now that fathers turn over four-fifths of their wages to the mothers instead of drinking up half or even two-thirds of them in the saloons.

One of the most surprising fiascoes of all the brooding prophecies of evils sure to be brought down upon us by prohibition was that concerned with the use of narcotics.

We happen to be in an unusually favorable position to get at the facts of this problem because of the Harrison law and other similar state laws, requiring rigid recording and reporting of all narcotic drugs prescribed or sold.

The first six months went by without any change in either the number of drug addicts or the amount of narcotics consumed. This was explained on the supposition that all habitual users of alcohol to excess had been warned so far in advance that they had been able to lay in private stocks.

But a year passed with still no change and finally it

dawned upon us that the cutting off of alcohol had not made the slightest increase in the number of so-called "dope fiends."

To take a few representative samples! In Milwaukee at the city Emergency Hospital, while the number of alcoholics treated fell from two hundred fifty-eight in 1917 to one hundred seventy-one in 1919, the cases of drug addictions had increased from seventeen to twenty-one, all old habitués.

In the chief and best-known private sanitorium for the care of alcoholic and drug addicts in New England, that of Dr. Frederic Taylor, in Boston, the number of morphine users, etc., had remained the same and all of them had contracted the habit long before prohibition.

The Department of Health of Los Angeles reports that of five hundred registered drug addicts on their lists only three claim to have acquired the habit since the prohibition law went into effect.

The Health Commissioner of Denver reports that the use of drugs and narcotics has not increased since the amendment.

The Judge of the Municipal Court of Portland, Oregon, after carefully studying the cases of narcotic indulgence brought before him, declares that prohibition has had no appreciable effect upon these cases.

This gratifying state of affairs exists to this day as attested by scores of reports from every part of the country. The only exception is in the city of New York, where the known habitual victims of the drug habit have slightly increased in number.

Recently, I attended a meeting of a national medical association, whose delegates represented something like forty thousand physicians scattered all over the United States. I took the opportunity to put the question, "What do you think about prohibition? Does it work, and if so, how?" to about thirty or forty of the leading men from various sections of the country.

It has been my own estimate that the actual amount of liquor consumed by the whole community had been cut down 50 per cent to 65 per cent; to my surprise, however, the lowest estimate of reduction, was 80 per cent and some ran as high as 95 per cent.

Here in this country we have something like seventeen million souls fully 50 per cent if not 75 per cent of whom have been in the habit of using alcoholic beverages as regularly and as habitually as we use tea, coffee, or milk. The first reaction of these Italian, Slav, Hungarian, Greek new-come citizens was naturally one of bewilderment and dismay. What would they do, how could they live without their good wine, their strengthening beer, their consoling whisky?

Many of them promptly dug up ancient recipes, or consulted the grandfathers and grandmothers of their little cluster and proceeded to manufacture their own supplies by home brewing and vinting, with fair success and satisfaction. But there was nevertheless a deep and disturbing sense of real grievance over what they felt was a wanton blow at their personal liberty and at the happiness of themselves and their families.

But it was not long before a change came over the vision of Pietro and Alessandro and Eleutheros.

> Da wife say she lika da law, more mon for eggs and butter and fruit for da bambini, more shoes for da ragazzo, more pretty dresses for Maria Annunziata to wear to high school. Me I don't like eet, but—I get less headache, maka more mon, buya da house and lot sooner, taka da wife and children to da movies instead sit around in da saloon.

Today it would hardly be too much to say that there is no body of opinion of the same size more solidly and loyally behind the new law than that of our latest-come and newest-born citizens, whose eager devotion to the flag and to what they believe to be the ideals and the standards of America, put many of our Pilgrim or blue bloods to the blush.

One of the aspects of the problem into which very careful inquiry has been made both in person and by letter, is the effect of the new law upon strikes, lockouts, picket riots and labor difficulties generally. Three facts seem to stand out fairly definitely and positively.

First, that the men when deprived of their accustomed means of enjoyment and exhilaration were a little more ready to resent what they regarded as infringements upon their rights.

Secondly, when they did strike, they were more likely to be upon sound and reasonable grounds, and so with a better chance of winning.

The number of strikes and lockouts in this country since prohibition has not only been no greater, but distinctly less, than in European countries which have no prohibition. And such strikes as have occurred have been most gratifyingly freer from rioting, bloodshed and loss of life than in pre-prohibition days.

As to the influence of partial alcohol-free conditions upon crime, this has been in part obvious and just what might have been expected and in part rather eyebrow-raising. Naturally, there has been a marked falling off, first in plain drunks, second in drunk-and-disorderlies, and third in assault-and-batteries; of what might be called casual and even convivial misdemeanors.

Offences which, though sometimes grave, are not committed with premeditation and malice aforethought come next. The percentage of reduction in these groups runs fairly even in the reports from all quarters and sources, about 50 to 60 per cent, and as these three great groups, drunk, drunk-and-disorderly and assault-and-battery make up something like four-fifths of all crimes, there has been a well marked thinning of jail populations and lightening of the work of our police courts.

Many jails have been not merely emptied, but closed for lack of "patronage" and in several states, it is being urged that all criminals for county and municipal

courts be taken care of in state penitentiaries, and the local jails, prisons, and workhouses converted to other uses.

A similar and parallel falling off has occurred on the medical side in the number of cases of acute alcoholism received at our great hospitals and of alcoholic insanity at our public asylums. But the most striking diminution of all has occurred in the cases of delirium tremens, which has fallen off not 50 or 60 but 80 to 90 per cent and in some cases disappeared entirely.

In Boston, for instance, there were twenty thousand fewer arrests in the first year following prohibition.

In Milwaukee, the number of drunk and disorderly arrests have fallen from sixteen hundred twenty to seven hundred thirty-one since the law, and the total arrests from all causes from forty-eight hundred to nineteen hundred fifty.

In a very thoughtful and able summary of the situation, the municipal judge of Portland, Oregon, Judge Rossman, states that barely 3 to 5 per cent of the men brought before him for drunkenness are under thirty and the remainder had acquired their thirst long before the law. That the habitual drunks are coming in less frequently and that very few young men are becoming confirmed drunkards. "In fact it is so rare for a young man to be arrested on a drunk charge that it always evokes attention."

That in spite of the crime wave in the reaction following the war, prohibition has a materially lessening effect upon crime.

In Portland, Maine, the total number of arrests for all causes has dropped from sixty-four hundred fifty-nine in 1917 to sixteen hundred twenty-four in 1920.

In the great Philadelphia General Hospital, the cases of alcoholism have dropped from twenty-three hundred twenty-six in 1918 to eight hundred eight in 1920.

In Cleveland, the deaths from acute alcoholism have fallen from seventy-seven in 1917 to eleven in 1920.

But in the remaining 10 to 15 per cent of serious crimes, assault-with-intend-to-do-great-bodily-hurt, assault-with-intent-to-kill, buglary, hold-ups and homicide, there has been in many quarters, a distinct increase, ranging from 20 per cent for burglary, to 50 per cent for hold-ups and homicide.

In other words, crimes which require courage and vigor of a certain sort and a distinct amount of more or less intelligent planning in advance have shown little or no diminution, because the absence or shortage of liquor has kept this class of criminals' eye and hand steadier and brain clearer to carry out their nefarious designs.

Unfortunately, the cutting off of the criminals' supply of liquor seems to have produced no similar vivifying and strengthening effect upon the intelligence of the police. The net result, because of this regrettable situation, has been rather disconcerting to the community at large.

Odd straws which have floated in during the course of this study and which are not without significance, are statements from several large employers of labor that there is a falling off of accidents in their mills and factories and a diminution in the amount of valuable raw material wasted or spoiled. Also there has been an increase in bank deposits of from $1,300,561,000 to $1,736,322,000 from 1917 to 1920 in Milwaukee.

There has been an astounding increase in the number of eating places in many communities, lunch counters, dairy lunches, food shops, soda-water fountains, and ice cream parlors. In one of the boroughs of New York city the number leaped from two thousand before the "dust-storm" to fourteen thousand one year later, showing that people are both amusing themselves and eating instead of drinking. No kind of poison that the human stomach can brew unaided and at short notice out of pure, wholesome food can rival alcohol in toxicity for

a moment. It takes weeks and a mash tub or still to do that.

Incidentally in this connection alcohol did great harm not only positive but "negative" to the thirsty laborer, or perspiring citizen in the dog-days. When you perspire freely you sweat out through your skin gallons of water per day instead of the ordinary pints, and you must pour into yourself equivalent amounts of water or suffer serious "drying" and general damage to your system.

A "glass of cool beer" prevents this balancing precisely because by its narcotic effect it quenches thirst long before a proper amount of water has been taken. If you drank enough beer to really physiologically quench your thirst and made good your perspiration loss, you'd be dead drunk.

Furthermore, these ice cream sodas and fruit sodas and egg-shakes and milk-shakes contain substantial amounts of real food, and are often accompanied by cakes, cookies, doughnuts or sandwiches. It is positively comical though profoundly cheering to watch the huge amounts of these "pink tea" refreshments consumed nowadays by great husky coal-heavers and teamsters and ditch diggers, because they find they can work better on them. I saw one strapping expressman down two huge ice-cream sodas one right after the other, and the druggist told me he often took five or six in the course of a day.

Finally we come to the last, and in ultimate analysis, most fundamental problem of the alcohol habit. Can we face the trials of life without alcohol's consolations and illusions?

In the words of Wallace Irwin's famous Japanese schoolboy "Answer is Yes!" But as to just how, the answer, it must be admitted, is still open.

To what agencies and influences can we look to dull the wire edge of the Weltschmerz, to benumb us to the grim clutch of circumstances, to rose-color the gray,

monotonous drudgery of every-day toil, to give us a hope of better things to come, even if only a temporary gleam?

It is urgent that some great public agency, church, Y.M.C.A., Y.M.H.A., the municipality, or the state should take over and intelligently study and administer the whole problem of recreation, of social pleasures, of music, the drama and the creative arts and crafts. Why not have a Commissioner of Happiness, as well as of Health, in the Department of Public Welfare?

There is no need for any elaborate apparatus or equipment. The one keenest, most constant, never-failing, undying interest people have is just their interest in one another. The favorite study of mankind is man.

BIG GAIN IN ORDER AND HEALTH IN FIFTY CITIES[1]

What has been the effect of the Eighteenth Amendment upon the good order and the health of the community? This question is more discussed today than any other, not only in this country but in half of the civilized world. England, Australia, New Zealand, the South American countries, Sweden and even Turkey are watching our experiment. Hence, it is profoundly important that the true situation in this country shall be made known.

For months a most active propaganda has been at work to point out the failures of the Eighteenth Amendment and to ignore its successes. The law is attacked from many angles. We are told that under it crime has flourished much more than in the pre-prohibition days; that drunkenness is more common than before; that juvenile delinquency has increased; that alcoholic deaths have multiplied; that because the law is poorly enforced bootlegging has increased to such an extent that many

[1] By William N. Gemmill, Judge of the Municipal Court of Chicago. New York Times. June 3, 1923.

are now drinking who never drank before; that the disregard for prohibitory laws has led to a general contempt for all laws.

Therefore it is urged that we ought to restore respect for law by bringing back the much abused saloon. It is also urged that men and women, boys and girls have become more lawless and immoral than ever before, due in large part to efforts put forth to enforce prohibitory laws. Influenced by this propaganda, honest inquirers are in doubt as to what our future attitude ought to be.

Official Records Invoked

Recently I wrote to the mayors of sixty of the leading cities of the country asking for accurate records of the total number of arrests in those cities for homicide, robbery, burglary and drunkenness; also for the total arrests for all offenses, and the total deaths from all causes for the years 1917 to 1922. Replies have now been received from fifty of these cities. The accompanying table is an abstract of the information contained in these replies.

In making the table I have omitted the figures giving the total number of arrests for each year. I have likewise omitted the figures given for drunkenness for the years 1918 and 1919 and have given the figures only for 1917, 1920, 1921 and 1922. The reason for this latter omission is that 1917 was a normal pre-prohibition year and 1920, 1921 and 1922 are the only whole years since the prohibition law became effective. Instead of giving the details as to crimes for each year, I have combined homicides, robberies and burglaries and given the figures only for the years 1917 and 1922. I have given the total deaths from all causes for the years 1917 and 1922.

The total population of the cities enumerated in this table is about twenty-five million; or a little less than one-fourth of the total inhabitants of the country. Only twenty-four of the cities reported on the number of

deaths for each year. In comparing crime and health conditions in the different cities, allowance must always be made for the different methods of collecting statistics. In Chicago homicides are in a separate classification from murder and manslaughter, while in New York all are classed as homicides. Drunkenness in Chicago is erroneously classed as "disorderly conduct," while in Boston and Philadelphia it is given its proper name. In Chicago, therefore, only an approximation can be made of the actual number of persons arrested for drunkenness.

Again, comparisons are made of the number of arrests in the different cities rather than of the actual number of crimes committed. This is done because no accurate records are kept in the several cities of the actual number of offenses committed. A record is kept only when an arrest is made. Consequently, the record of arrests in a city is the best available evidence of the status of crime in that city. The purpose of this table is not to show the degree of law enforcement in each of the several cities, but to show the status of crime and disorder in each of these cities now, as compared with pre-prohibition days.

What the Figures Show

As to the more serious crimes of homicide, burglary and robbery, the figures show that in thirty-five of these cities there was a remarkable decrease between the years 1917 and 1922. Fifteen cities only show an increase. Taking them all together there was a decrease of over 10 per cent in the number of arrests for serious crimes in 1922 over the year 1917. This decrease began in 1920 and has continued steadily ever since.

In the matter of drunkenness, the record is far more instructive. In 1917 the total number of arrests in these cities for drunkenness was 302,074. In 1920 it was 110,149; in 1921, 146,279, and 1922, 184,099. In other

words, there were 191,925 fewer arrests for drunkenness in these cities in 1920 than 1917; 155,794 less in 1921, and 117,975 less in 1922. The percentages of reduction are 63 per cent less in 1920, 50 per cent less in 1921, 37 per cent less in 1922. If we multiply the population of these cities by four we approximate the total population of the country and, assuming that these cities represent fairly the total population of the country, we have seven hundred thousand less arrests for drunkenness in 1920 and five hundred thousand less in 1922.

It will be noticed that in a few cities the number of arrests for drunkenness in 1922 was greater than in 1917. Des Moines, Iowa, is an example. After receiving the letter from that city I wrote for an explanation and received in reply from the Chief of Police the following:

> One reason for the increased number of arrests for drunkenness is that a much larger percentage of persons intoxicated are arrested now than ever before. I issued an order early in the year to the effect that all persons showing the slightest sign of intoxication should be brought to the station. In many instances now it almost takes an expert to determine whether the prisoner is intoxicated or not. Before such order only those were brought in who were helpless, and many of these were taken to their homes by friendly policemen.

Fewer Arrests Here

In New York the total number of arrests for 1917 was 187,613, while it was 303,451 in 1922 and 272,751 in 1921. I wrote for an explanation and received in reply the following from the Police Commissioners: "The increase in the number of arrests is due entirely to the increase in traffic violations and not to an increase in major crimes."

The total number of arrests for traffic violations alone in New York for 1922 was 111,796. Add to this 11,810 arrests for violating the prohibitory laws during the same year and you have 123,606 arrests in 1922 for offenses but little known and recognized in 1917. So, in Chicago, the total arrests in 1922 were 185,363, while in 1917

they were 129,270, and in 1921 147,861. Of these arrests 58,854 in 1922 were for automobile violations and 3,602 were for violating the prohibitory laws. Notwithstanding this increase in arrests in Chicago in 1922, the year has witnessed a decrease of over 25 per cent in all major crimes.

The greater number of arrests in a city is not, therefore, always an indication of a more lawless community. More than half of the arrests in Chicago and other large cities today are for the violation of new laws that did not exist twenty years ago, such as laws of sanitation, ten-hour laws for women, child-labor laws, white slave laws, anti-trust laws, laws to regulate the use of the automobile, pure food laws and many others. If you eliminate the arrests for violations of these laws, then the total number of arrests in 1922 in any large city will not be one-half what it was twenty or twenty-five years ago.

Prohibition's Effect on the Young

There are, of course, some who drink liquor now who never drank before. What a strange argument! Did it ever occur to these eager souls looking for an excuse that hundreds of thousands of young men and women reach the drinking age each year now as well as before the enactment of the Eighteenth Amendment? Because some of them still fall victims, is that any reason why all of them should be exposed to the wiles of this most insidious business?

Again it is urged that the boys and girls of today are more immoral, and this is due to a general breaking down of our laws through the enactment of prohibitory statutes. Since when did the saloon become an aid to moral reform? Or an inspiration to the young? As usual, the basis of the argument is wrong. An index of what is going on is found in our Juvenile Court in Chicago, the largest court of its kind in the world. Year

by year the cases of delinquency have decreased from twenty-seven hundred eighty-six in 1916 to nineteen hundred seventeen in 1922; and the dependency cases in that time from twenty-three hundred ten to thirteen hundred ninety-six.

Dependent children come largely from drunken homes. We have in Cook County an infirmary where the homeless poor are kept. In 1920 the superintendent requested the courts to commit certain minor offenders to the infirmary on the ground that prohibition had so reduced his force that he had an insufficient number of inmates to do the necessary work. This we did, and three hundred seventy-five persons were committed as prisoners in 1922. In spite of these recruits the total number of inmates in that year was seventy-one hundred eighty-nine, while in 1917 it was nine thousand twenty-three, or eighteen hundred thirty-four more.

It is the duty of the Coroner of Cook County to hold an inquest upon the bodies of all persons found to have died under supicious circumstances. The record of inquests fell off nearly one thousand between 1917 and 1922, largely because men do not get drunk, lie out and die from cold and exposure now as frequently as before. What is true in Chicago is also true in New York. The number of suspicious deaths there decreased from 12,806 in 1918 to 10,721 in 1920.

Perhaps nowhere is the change that has come over the country been as manifest as in the lowering of the death rate everywhere. Notwithstanding the vast increase in the population, the number of deaths has decreased in nearly every community. No one will claim that this is all due to the enactment of prohibition, but no one can examine the record without feeling that more sober living has had much to do with it.

In the table on pages 290-1 the years 1917 and 1922 are taken for comparison. In 1918, the last whole year before prohibition, the deaths were much greater every-

where because of the influenza. New York, notwithstanding an increase of five hundred thousand in its population between these two years, actually had about nine thousand fewer deaths in 1922 than in 1917. Chicago, about seven thousand fewer, although its population is four hundred thousand greater. Philadelphia forty-five hundred fewer. The death rate in the United States has decreased in the last six years from about fifteen for every one thousand population to a little over eleven for every one thousand. And we are just informed by the United States government agents that the total consumption of intoxicating liquor during the last year is only about one-fifth what it was in 1917.

There are many who have become discouraged. They feel that instead of the way of the transgressor being made hard it is day by day becoming easier and more attractive. They say that by the frequent breaking of the laws against the manufacture and sale of liquor a contempt has arisen for all laws, which seriously threatens the community.

Last year one-third of all arrests in the United States were due to violations of traffic regulations. Is there any one who would repeal these laws and allow the speeders to revel in a paradise of their own?

The year 1920 was the banner year in the enforcement of the provisions of the Eighteenth Amendment. There was a decreased effort in 1921 and a still further letting down in 1922. This is due in large part to the encouragement received by the enemies of the measure through their organized propaganda. What is needed is a nation-wide movement to secure better enforcement. The President of the United States seems to be genuinely in sympathy with the law and no doubt desires a much stricter enforcement. But a great many of his appointments of Federal prohibition agents have been political lame ducks not at all in sympathy with the law. Their main effort seems to have been to see how best they could hold their jobs and not enforce the law.

THE EFFECTS OF PROHIBITION IN 50 CITIES

	Arrests for Drunkenness				Arrests for Homicides, Robbery and Burglary		Total Deaths From All Causes		Population
	1917	1920	1921	1922	1917	1922	1917	1922	1922
New York	16,311	7,804	8,169	11,402	4,509	3,664	78,575	69,690	5,927,625
Philadelphia	42,975	20,410	27,576	36,299	907	893	29,681	25,103	1,922,788
Boston	73,348	19,980	30,614	37,143	928	780	12,728	11,426	770,400
Washington	9,648	3,565	3,948	7,322	729	863	6,687	6,305	457,571
St. Louis	3,504	1,861	993	1,048	1,834	3,204	....	....	803,853
Buffalo	14,205	7,331	8,306	8,655	698	521	7,559	6,808	536,718
San Francisco	15,105	1,814	3,847	7,261	824	624	7,154	7,465	539,058
Los Angeles	18,875	5,568	6,714	9,910	474	549	....	....	666,853
Cleveland	1,387	1,796	2,970	4,430	1,023	876	10,848	8,413	888,519
Louisville	3,530	1,053	1,762	3,218	132	123	3,904	3,481	257,671
Pittsburgh	28,936	9,577	10,371	16,554	128	106	....	....	613,442
Baltimore	7,552	5,096	2,884	4,953	1,102	1,008	10,719	10,812	773,850
Chicago	45,268	15,821	19,245	27,169	8,035	6,548	38,027	31,700	2,886,121
New Orleans	5,155	1,902	5,313	8,963	718	804	7,519	6,684	404,575
Lincoln, Neb.	292	231	317	286	71	86	....	....	61,948
St. Paul	3,775	1,566	3,675	3,633	127	116	....	....	241,891
Harrisburg	1,448	552	356	504	204	138	....	....	85,972
Providence	5,967	2,667	3,779	4,330	16	11	....	....	242,378
Cincinnati	2,341	355	537	965	243	241	....	....	400,312
Albany	2,370	477	660	1,456	115	67	2,129	1,886	117,375
Atlantic City	737	267	320	529	22	48	....	....	57,707
Jersey City	1,588	1,038	1,146	1,555	284	404	....	....	409,034
New Haven	5,105	2,221	2,143	3,000	109	128	....	....	172,967
Peoria	1,476	172	124	147	75	32	....	....	84,410

THE EFFECTS OF PROHIBITION IN 50 CITIES

	——Arrests for Drunkenness——				Arrests for Homicides, Robbery and Burglary		Total Deaths From all causes		Population
	1917	1920	1921	1922	1917	1922	1917	1922	1922
Richmond	2,936	2,848	2,565	2,638	68	54	2,936	2,638	181,044
Pittsfield, Mass.	2,940	1,161	1,687	1,471	22	28	....	....	45,763
Detroit	10,764	15,695	10,340	9,168	....	....	11,761	11,078	995,668
Lansing	145	445	471	485	10	16	....	....	62,327
Fort Wayne	1,315	176	322	636	14	17	1,226	982	92,549
Minneapolis	....	....	....	....	152	149	4,412	4,334	409,125
Annapolis	64	7	29	42	11	26	....	....	14,214
Akron	3,871	3,662	3,102	3,833	164	79	....	....	225,464
Elmira	1,893	371	384	546	14	8	....	....	52,624
Seattle	20	21	17	13	109	100	2,718	3,192	345,312
Portland, Me.	2,512	796	1,072	1,538	240	227	1,000	1,021	75,972
Fargo	369	197	223	341	5	29	....	....	26,310
Little Rock	215	541	823	1,156	134	163	1,156	840	71,854
Oklahoma	1,627	624	1,158	1,625	324	436	....	....	115,642
Omaha	1,690	2,540	3,666	3,808	72	184	2,324	2,681	204,382
Milwaukee	2,718	1,261	2,056	2,453	242	144	5,453	4,568	484,595
Columbia, S. C.	770	525	747	744	60	50	....	....	41,254
Toledo	4,331	1,672	1,729	1,750	287	270	3,569	3,046	268,338
Helena	651	72	126	145	51	22	....	....	14,234
Jacksonville	1,761	854	1,007	1,551	107	56	1,545	1,513	95,458
Duluth	4,471	1,139	2,287	3,124	21	49	....	....	104,564
Waterloo	518	162	277	302	....	....	....	....	42,344
Reno	922	200	297	272	39	60	239	232	13,438
Rockford, Ill.	1,597	676	876	854	15	33	....	....	69,651
Springfield, Mass.	2,473	619	895	902	70	37	....	....	144,227
Des Moines	3,283	1,364	1,949	3,533	27	23	....	....	135,608

It is evident the President cannot have personal knowledge of many of these men, and the law-abiding community must hold responsible for such marked failures as we have had senators and other local politicians who recommend them to the Chief Executive.

The Eighteenth Amendment will no more be repealed than the Ten Commandments. When we all recognize this fact, then this amendment will stand before the country as an accomplished thing.

FOUR YEARS OF PROHIBITION IN THE UNITED STATES[1]

Prohibition has justified itself in less than four years of its life. The law has been only partially enforced in our large cities. We have demonstrated, however, two things; First, that prohibition enforced is a success, Second: that prohibition partially enforced is better than the licensed or legalized liquor traffic.

Prohibition and Drunkenness

Arrests for drunkenness throughout the United States have been cut in half since prohibition. If the new law had done nothing more than to check the increase in the ratio of drunkenness arrests through the country it would have been of almost incalculable benefit to the nation. It has cut the totals of these arrests from 25 to 75 per cent in the representative cities, or an average of about 50 per cent. This is more significant since in the wet years only those drunken persons who were public nuisances were arrested. Today, practically every person seen by the police is arrested. The current figures on drunkenness arrests, therefore, represent the amount of public drunkenness, whereas, former figures showed only a

[1] By Wayne B. Wheeler, General Counsel, Anti-Saloon League of America. Issued February 14, 1924.

small part of the number of drunken persons seen on the streets.

Judge William M. Gemmill, of the Chicago Municipal Court, a national authority on crime and arrests, said on June 3rd, 1923, that from data he has gathered he estimates that the number of arrests for drunkenness in 1922 was five hundred thousand fewer than the last wet year, 1917, during which time the population of the country increased 6.9 per cent. Prohibition has reduced the number of drinkers from approximately twenty million to two and a half million and the consumption of beverage liquors 70 per cent, according to the survey made by the opponents of prohibition themselves.

Prohibition and Crime

A steady decrease in our criminal rate since the coming of prohibition is shown by the police statistics from nearly all our cities. In spite of the many thousands of automobile law violations occurring daily, the total number of arrests on all charges gives a lower ratio per unit of the population since prohibition than during the wet period which preceded it. The decrease in major crimes in the larger cities from the number in 1917 is large.

Propagandists for the liquor forces quote figures showing the total number of arrests has increased in many cities. They conceal the fact that the ratio of arrests per hundred thousand of population has decreased in all except a few centers and that practically all this increase, where it does exist, is due to the number of violations of rules affecting automobiles, white slave laws, anti-trust laws, pure food laws and a host of others where crime of moral turpitude is rarely involved. In New York city, the arrests in 1922 for violation of automobile rules were 303,451, whereas, in 1917 they were 187,613. If arrests of this character were eliminated from the total the arrests in 1922 in most of our large

cities would be more than 50 per cent below the average in wet years in spite of the increase in population.

Prison Population

With a long list of new offenses punishable with imprisonment, America's prison population has decreased since the coming of prohibition. In many states, county jails are entirely empty. Other jails have been closed and several counties cooperate in maintaining one institution where separate jails were needed in the days of the saloon. The press frequently carries news-items telling of the embarrassment met in some jails or prisons where the number of inmates is too small to do the ordinary tasks of the institution.

The Census Bureau recently published a survey of prisons in the country, including also the jails, police station lock-ups and the chain gangs where prisoners work out their sentences on the public roads or in quaries and camps. This survey contained reports from eight hundred sixteen more institutions in 1922 than a similar survey reached in 1917 but in spite of the fact that the earlier survey was so defective, the increase in all institutions shown was only 5.4. The general ratio of prisoners reported in 1922 was 137.4 while eight hundred sixteen fewer institutions furnishing figures in 1917 gave a ratio of one hundred forty-three per one hundred thousand population.

The average number of prisoners in the penal institutions of the country was 27.6 in 1917 and only 25.7 in 1922. The decrease in county institutions was 16.2 in 1917 to 14.7 in 1922; in city institutions from 10.1 to 8.

That prohibition has been responsible for the decrease in prison population may be inferred from the fact that the states showing decreases, six had adopted state prohibition after 1917 and ten others were among the first fifteen states to adopt the prohibition amendment.

All the city prisons reporting in 1917 reported also in 1922. The later report shows twenty-nine hundred fifty-three fewer prisoners in these institutions in the latter year than in the same institutions at the previous census, a decrease of 11.2 prisoners per one hundred thousand population in the these cities. In 1922, thirteen hundred ninety of the twenty-nine hundred thirty-nine city prisons in the country had no prisoners at all. The total number of penal institutions of all classes without inmates in 1922 was nineteen hundred sixty.

There is one statement in the report of the law enforcement committee of the American Bar Association which is quoted more at home and abroad than any other in the report. It says: "The general population of the country in the year 1910 until the year 1922 has increased 14.9 per cent. The criminal population has increased 16.6 per cent." This is an unfortunate statement as it is not correct.

The population increased from 1910 to 1920, 14.9 per cent. The estimated increase of population, as determined by the Census Bureau, from 1910 to 1922 is 18.7 instead of 14.9, as stated by the committee. This shows that crime has not increased as fast as population.

In New York state, the inmates of the penal institutions decreased 7.8 per cent during the fiscal year ending June 30, 1923, according to the report of the State Commissioner of Prisons. The male prison population decreased 8.7 per cent. In state prisons, the decrease was 6.4 per cent; in the State Reformatory at Elmira, 25.6 per cent and in the institutions administered by the New York City Department of Corrections, 14 per cent. The number of commitments fell from fourteen hundred fifty in 1922 to eight hundred ninety-one in 1923. Half of 1923's commitments came from Manhattan. Aliens committed during the year numbered one hundred ninety-six or 22 per cent.

In Rhode Island, the state workhouse, which has received 31,385 prisoners in the fifty-two years of its

existence, closed its doors, committals having decreased 72.5 per cent since prohibition. The average population of the institution was 211.4 in the last ten wet years. It was 58.2 in the average dry year.

Drink and Charity

Drink cases coming to charity organizations have been reduced 74 per cent through prohibition, comparing 1922 with 1917. The population of the almshouses tells the same story throughout the United States. In Chicago, the Cook County Infirmary found prohibition so reduced the number of homeless poor cared for at the institution that the superintendent requested the courts to commit minor offenders to the almshouse because there were not enough inmates to do the simple tasks of the place. The courts sentenced three hundred seventy-five prisoners to the Infirmary in 1922 to relieve this situation. In spite of this, the population of this poorhouse was eighteen hundred thirty-four less in 1922 than in 1917.

The number of neglected and dependent children has correspondingly decreased since prohibition. The largest court of its kind in the United States is the Juvenile Court in Chicago. This court cared for twenty-seven hundred eighty-six cases of juvenile delinquency in 1916 and only nineteen hundred seventeen in 1922. The dependency cases before the court were twenty-three hundred ten in 1916 and thirteen hundred ninety-six in 1922. With the disappearance of the destitute victims of the saloons the slums where they herded in misery are vanishing. Throughout our cities, saloons had held the corner sites in the poorer neighborhood. As these bars closed their doors, better business moved in, a new type of population developed, houses were repaired and rebuilt, and both the values of the realty and the character of the neighborhood advanced. The poor may be always with us, but poverty is today comparative and no longer is it drink-sodden as in the saloon era.

How Prohibition Affects the Home

The home has profited more than any other institution in American society by the passing of the saloon. Since the adoption of prohibition we have more than trebled our home building. The largest amount spent for residential buildings in five years preceding national prohibition was a monthly average of $40,275,000. In March and April of this year, the costs of new homes for which contracts were let were $164,267,000 and $163,476,000 respectively, according to the estimates published by the Bureau of Foreign and Domestic Commerce from trade reports. The stimulation of home life and the elimination of the drain upon the family purse through the advent of prohibition have aided in causing the greatest building boom in our history. The number of new homes whose construction is being begun monthly is now eighty-six hundred forty-seven as compared to thirty-nine hundred ninety-nine in 1919.

The influence of the home life touches each phase of our social welfare. Not only trade, but our amusements, such as the moving pictures which may be enjoyed by families, have replaced the drinking in the saloon. School life reflects home influence in both ends of the scale. The attendance at kindergartens, where the children begin their careers, shows changed conditions in the family, increased ambition and greater means to clothe the youngsters fittingly. At the other end of school life, where formerly the child was removed from school as early—or earlier—as the law permitted to earn money because the father could not support his family and two or three bartenders as well, we find prohibition is working great changes. Few of our schools can care for the numbers now thronging the higher grades. The other side of the shield has been burnished, as well. The passing of the saloon has seen an enormous decrease in the number of cases of non-support, of abandonment of families, and of neglect of children.

Savings Banks

The addition of $50,000,000 to $60,000,000 each month to our savings banks accounts, strikingly evidenced the constructive instead of destructive use of our money since prohibition. It closed the sewer through which we had been pouring our national wealth, health and happiness. We added $634,900,000 to our savings accounts in the twelve months ending in August of this year in eleven out of twelve of our Federal Reserve districts. These figures only include those banks reporting their savings accounts through the Federal Reserve Board. They are partial only but are representative and constitute one of the most important business indicators. Only fifty such banks are reported in the New York Reserve district. Conditions obtaining in the reporting banks are similar to those in other institutions, so that the totals given by the reporting banks may need to be multiplied to arrive at the enormous total of over $1,000,000,000 added this year to savings deposits throughout the entire country. Besides the deposits in the banking institutions, the United States Postal Savings contained $132,863,000 in November. The American Bankers Association estimated our savings deposits on June 30, 1923, as $18,373,062,000. Our total savings deposits are reported as only $3,000,000,000 less than the national debt at the close of 1923.

Life Insurance Reflects Prosperity

Over $600,000,000 worth of new life insurance business is being written each month in the United States by forty companies. If the business done by other companies not included in the monthly tabulations of the Association of Life Insurance Presidents, were added to this figure, the probable grand total would be nearly $900,000,000 new business. The forty companies reported each month by this association do about 75 per cent of the life insurance business of the country. The present

volume of life insurance business is more than double that done monthly in the last wet year, 1917. Especially noteworthy have been the increases in the amount of industrial insurance now being written. This is the type usually carried by the wage-earner. The volume of new business done by the industrial life insurance companies monthly is now nearly three times the amount written in the last wet year, 1917. President Duffield of the Prudential Life Insurance Company estimated that one hundred twenty-three companies wrote over $11,700,000,000 in new policies in 1923.

The assets of the life insurance, both ordinary and industrial, have advanced proportionately. In 1917, before prohibition, the total assets of the ordinary life insurance companies of America, were $5,456,170,982; in 1921 they were $7,017,829,612. Industrial insurance companies have assests of $5,193,830,295 in 1917, and $7,833,272,301 in 1921. The enormous increase in new business during the last eighteen months, not yet reported in the Insurance Year Book from which these figures are taken, will materially add to these assets.

Death Rates Reflected by Insurance Reports.

The insurance companies mirrored the decrease in national death rates which came with prohibition. The ratio of actual to the expected mortality of policy holders listed by the Insurance Year Book gives these ratios as follows: 1919, ordinary insurance 64.88; industrial insurance 77.30; 1920, ordinary, 63.16, industrial 68.19, 1921, ordinary, 51.52; industrial 57.46. The actual mortality costs in the companies listed was $118,963,224 less than expected in 1919; $134,240,040 less in 1920, and $210,584,420 less in 1921, and $214,971,817 in 1922, a total "savings" in mortality of $678,769,501. These mortality savings are one of the three sources from which dividends accrue to life insurance policy holders. The decrease under prohibition, due to the lowered death rate, has been record-making.

In the five years preceding prohibition the death rate based on the mean insurance held in fifty companies, according to the Insurance Year Book, never was less than 1.06. That was in 1917, a year of restriction upon the liquor traffic. In 1915 and 1916, it was 1.16. It has been much higher. 1919 saw this percentage drop to 1.05 with limitations upon the manufacture and sale of liquor and the coming of war-time prohibition. In 1920, the rate fell to .92, in 1921 it was .79, while 1922 shows a rate of .81.

We do not have to die to win when we insure our lives today. During the first three years of prohibition, a number of our greatest insurance companies paid more cash in dividends to policy holders than they paid in death losses. This marks a new era in life insurance history. A single company in 1923 paid over $46,000,000 in dividends to policy holders or $11,000,000 more than it paid in death claims.

Chain Stores Get Beer Nickles

Nickels are no longer spent in licensed saloons for mugs of beer. Instead they travel in increasing numbers to the chain stores of the country. The total sales in five of the ten cent chain stores increased from a monthly average of $12,806,000 in 1917, to $23,356,000 per month in 1922. In the first ten months of 1923 these chain stores showed increases ranging from 14 to 27 per cent over 1922 totals.

Department store sales showed the largest percentages of increases in those centers which had formerly been wet. Boston showed an increase of 18 per cent for 1922 over 1919; New York 17 per cent, Philadelphia 1 per cent and San Francisco 22 per cent.

Savings in Lives

The reduction of the national death rate, which came with prohibition, has been equivalent to the saving of

873,975 lives in the first four years. In the nine years preceding the ban upon the saloons, the mortality rate only once fell as low as 13.3 varying from 13.5 to 14.1 per hundred thousand population. In 1919, war-time prohibition went into force, preceded by over a year of restrictions upon the manufacture and sale of intoxicants. In that year the rate fell to 12.8. The first completely dry year, 1920, had a rate of 13 per hundred thousand. All records were broken in 1921 when the rate fell to the extremely low figure of 11.6 per hundred thousand. In 1922 it was 11.8. The figures for 1923, of course, have not yet been compiled by the Census Bureau but estimates based on reports from sixty-five cities reporting each week during 1922 and 1923, indicate that the registration area death rate will probably be about 12.2 for 1923.

The eight hundred and seventy-three thousand lives saved by the lowered rate of the first three years of prohibition, would have a valuation of $1,750,000,000 if a human life is worth $2,000, a lower figure than is recoverable at law in many states.

The published figures of the Metropolitan Life Insurance Company, giving the death rate among over fourteen million of its policy holders, shows that for the second half of 1922 the health record was the best ever shown in the company's history, while the rate for the third quarter is the minimum for any three-month period among these industrial insurance policy holders, showing a rate of 7.6 per thousand insured.

General Prosperity

The general prosperity of the United States shows some of the channels into which we are diverting today the billions of dollars that formerly flowed over the bar of the saloon. We are producing and buying over two hundred and fifty thousand passenger automobiles a month. The automobile industries have compiled sta-

tistics showing that 15,281,295 motor vehicles are in use in the nation. That prohibition was a factor in making possible this production and consumption is set forth by E. M. Miller, statistician of the National Bank of Commerce, New York city, in the October issue of Commerce Monthly where he says:

> Of sufficient importance to deserve more attention than it has heretofore received is the question as to the part prohibition has played in releasing purchasing power for automobiles and their upkeep. Whether the many estimates of what the annual drink bill was prior to prohibition were or were not accurate, the figures of the United States Census of Manufactures of 1914, the last before national prohibition legislation became effective, are not open to argument, and they show that the factory value of alcoholic, malt and vinous liquors produced in the United States in that year was $666,000,000. The drink bill for the last wet year is generally estimated at $2,500,000,000. The actual cost to the consumer was, of course, greatly in excess of this. The mere application of the money formerly spent on drink to the purchase and upkeep of automobiles would account for a large share of the annual national expenditure on them.

In general, the production of articles of luxury have either maintained or increased their total in production during 1923. The nation's general prosperity is afforded the market at home for these products. During the past year the American who produced the luxuries and other material formerly exported consumed most of them himself. We are driving our own cars; wearing our own silks, owning our own homes; keeping our mills and factories busy at top speed to supply products for our use. In fact, we are doing everything, except buying and drinking our own drinks. It is because we have cut off the drink bill, which included not alone the price of intoxicants but the care of the criminal, diseased, insane, destitute and despoiled by-products of the saloon that we can have the other things instead.

The United States of America will hold fast, strengthen her lines, and lend a helping hand to all nations to secure for themselves these same blessings, which our country now enjoys.

EXPERIENCE OF MASSACHUSETTS, GEORGIA AND HAWAII[1]

Let us examine the results in certain communities that were foolish enough to make the test of permitting the sale of beer on the theory that it would tend to promote temperance and sobriety. The test has been made in the states of Georgia and Massachusetts and, more recently, in the territory of Hawaii.

In Massachusetts, the so-called prohibition law of 1869 (effective in 1870) permitted the sale of malt liquors containing about 3 per cent of alcohol. After a short test, the law was repealed. The results of the "prohibition" law which permitted the manufacture and sale of beer were stated as follows by Judge Rockwell of the Berkshire District Court:

> Under the laws of 1870, the sale of malt liquor was authorized for several months in the town by vote of the inhabitants. Efforts to enforce prohibitory law, or what there was left of it, during that period were almost nugatory. In no way, as it seems to me, can a greater blow be given to the prohibitory law, or its purpose be more surely defeated, than by legalizing the sale of malt liquors.

The governor of the state in his inaugural address said:

> If we are to accept the evidence of those who have had the most painful experience of the miseries produced by these places (beer-shops), they are among the greatest obstacles to the social and moral progress of the community.

Georgia experimented with a so-called "near" beer law which permitted the manufacture and sale of near or 2 per cent beer. This law was passed in 1908. The results are stated as follows:

> This gave opportunity for the wholesale and retail sale of whisky, and the prohibitory law was almost a dead letter. The sale of near beer was a pretext; real beer was sold, and the beer joints smuggled whisky to any purchasers.

[1] By George S. Hobart. Annals of the American Academy. 109: 97-8. September, 1923.

After a test of seven years, a special session of the legislature enacted a drastic prohibition law in 1915 which repealed the near beer law and, among other things, prohibited the sale of all malted, fermented and brewed liquors of any kind or description, including near beer. This law is still in effect.

Governor Farrington, of the Territory of Hawaii, in a message to the American Legion convention a short time ago said:

> Hawaii has had an experience with this same light wine and beer movement. . . . We were told that light wine and beer were non-injurious beverages and if the people were allowed to get this light liquor they would avoid the poisonous stuff sold in the country and also the illicit sale of hard liquor would be reduced.
>
> The desired legislation was passed. . . . These dispensaries of so-called non-injurious liquors did not fulfill one single promise of those who were responsible for the trial. . . .
>
> Drunkenness increased and the light wine and beer panacea, instead of being the solution of the problem and the promoter of real temperance, very rapidly became a universally recognized nuisance. It carried with it all the difficulties of high license and enjoyed the unsavory reputation of being the center of vice and often times community disorder.
>
> Having observed the experience of Hawaii in this matter, it seems to me this should prove a splendid example and prevent . . . falling into line with the so-called panacea which has . . . proved that as a cure it is worse than the disease.

EFFECT OF PROHIBITION ON FAMILY WELFARE[1]

Our figures, showing an 85 per cent reduction between 1917 (wet) and 1921 (dry), in cases in which drink figured, coming to sixteen organized charity associations for relief, show that the country was full of men who drank because liquor was accessible, sociable and cheap. Now that it is harder to get, less sociable and much dearer, thousands, as they express it, are

[1] By the American Association for Organizing Family Social Work, New York, and the Boston Family Welfare Society.

giving it the "go-by." This means much more money going into homes,--in short, great economic good. If such results come from partial enforcement what may we not expect from increased enforcement?

	Year	Families under care	Families in which Drink was a Factor	Per cent	Decrease Per cent
St. Louis					
Provident	1917	3563	412	11.6	
Association	1921	3283	23	0.7	94
Chicago United	1917	7507	625	8.3	
Charities	1921	5547	61	1.1	86.7
Boston Family	1917	3589	984	27.4	
Welfare Society	1921	3057	73	2.4	91.3
Pawtucket, R. I.					
Associated	1917	508	17	3.3	
Charities	1921	975	0	0.0	100
Painville, N. J.					
Charity	1917	416	72	17.3	
Organizations	1921	525	16	3.0	83.3
Atlantic City					
Welfare	1917	961	67	9.1	
Bureau	1921	974	12	1.2	82.1
Newport, R. I.	1917	484	48	9.9	
C. O. S.	1921	373	12	3.2	68.8
Portland, Me.					
Associated	1917	277	43	15.5	
Charities	1921	387	3	0.8	95.3
Newburgh, N. Y.					
Associated	1917	343	220	64.1	
Charities	1921	432	2	0.5	99.1
Cleveland, O.					
Associated	1917	4571	782	17.1	
Charities	1921	9359	245	2.6	84.8

	Year	Families under care	Families in which Drink was a Factor	Per cent	Per cent Decrease
La Crosse, Wis.					
Social Service	1917	180	46	25.6	
Society	1921	203	4	2.0	91.3
Portland, Ore.					
Public Welfare	1917	1280	5	0.4	
Bureau	1921	2577	15	0.6	40. (inc.)
N. Y. Charity					
Organization	1917	4204	972	23.1	
Society	1921	2346	196	8.4	64.1
Hartford, Conn.					
Charity	1917	518	143	27.6	
Organization	1921	535	9	1.7	93.7
Washington, D. C.					
Associated	1917	2410	434	18.0	
Charities	1921	1497	67	4.5	75.1
Rochester, N. Y.					
Social Welfare	1917	689	140	20.3	
League	1921	892	34	3.8	81.4
Providence, R. I.					
Society for Organiz-	1917	1636	106	6.5	
ing Charity	1921	1450	4	0.3	95

THE WET DRIVE AND THE AMERICAN FEDERATION OF LABOR[1]

The drive to induce the American Federation of Labor to join the chorus for the repeal of the Eighteenth Amendment will provide one of the real thrillers in the political field from now until the next presidential election.

President Gompers is persistent in his opposition to prohibition. But though for the past thirty-six years

[1] By Richard T. Jones. New Republic. 35: 41-2. June 6, 1923.

(with the single exception of the year 1894) the delegates to the federation's conventions have regularly lined up for Mr. Gompers as president, in vital political and economic issues they have frequently declined to follow his leadership.

The grizzled veteran of the American organized labor movement has, for instance, always opposed government ownership of railroads. But the 1920 convention, in spite of his strong speech in opposition, voted overwhelmingly for government ownership. Though he has persistently fought the formation by labor of a political party, the Chicago Federation voted ten to one in favor of an independent labor party and the Pennsylvania Federation of Labor later voted three hundred to one in favor of independent political action. Because of the success of the Farmer-Labor Party in the middle west last fall, political action will be an outsanding issue in the convention to be held in Portland, Oregon, in October of this year. Doubtless Mr. Gompers will be reelected, but additional evidence is available to indicate that the convention delegates and the labor ranks in general are getting out of hand and refusing to adhere to the political policies which are advocated by the old-line leaders.

Meanwhile, though the 1923 convention is some months away, rumblings of dissatisfaction with Mr. Gompers's repeated attacks on prohibition are heard on the hustings, and any attempt by the wet element to urge the federation to go on record against the Eighteenth Amendment is certain to be stoutly opposed.

Recently the Central Labor Council of Everett, Washington, declared that President Gompers does not express the sentiment of organized labor on the question. Labor leaders in many industrial centers are outspoken in their opinions that prohibition has helped the labor movement and that the ousting of the saloons has been an important factor in allowing it to develop along legitimate lines.

Many national labor officials, notably the heads of the railroad brotherhoods, are also plainly out of sympathy with President Gompers's stand on prohibition. While not all the railroad organizations are affiliated with the American Federation of Labor, recent public expressions of such leaders as Warren S. Stone, Grand Chief of the Brotherhood of Locomotive Engineers, D. B. Robertson, Chief of the Brotherhood of Locomotive Firemen, and others, are fairly representative of the opinions of many who have no desire to interfere with present prohibition legislation.

Mr. Stone says:

> The international convention of the Brotherhood of Locomotive Engineers, assembled in Cleveland in 1918, declared by unanimous vote in favor of world-wide prohibition. The vote was cast by 828 delegates representing 90,000 Locomotive Engineers in the United States and Canada. In addition to this . . . Section 52 of the constitution and by-laws of the B. of L. E., declares that "The use of intoxicating liquor as a beverage by members of the Brotherhood of Locomotive Engineers is prohibited."
>
> I do not know by what authority Mr. Gompers speaks for the American Federation of Labor, but there is no doubt as to the authority I have for making my declaration on the subject of prohibition.

Mr. Robertson states:

> I would be bitterly opposed to any modification or repeal of the Volstead Act. Section 4, Article 17, of the constitution of the Brotherhood of Locomotive Firemen and Enginemen states: "A member who uses intoxicating liquors to excess or who shall be found guilty of drunkenness shall, upon conviction, be penalized."

W. G. Lee, President of the Brotherhood of Locomotive Trainmen, is no less emphatic in his views:

> I can very emphatically say that so long as this Act is on the statute books of the country the Brotherhood of Railroad Trainmen is in favor of its enforcement, as it is in favor of the enforcement of all the laws of the country.

L. E. Sheppard, President of the Order of Railroad Conductors, says:

> The Order of Railroad Conductors has long had an article in its constitution which provides that any person engaging in

the liquor traffic shall be expelled from the order. I know Mr. Gompers very well and have talked with him and know his views on this subject, and I do not agree with him that organized labor is in favor of any modification or repeal of the Volstead Act.

These expressions enable one to form an idea of some of the prohibition sentiment in labor union circles. In the old days, "Don't vote your fellow workingman out of a job," and "Prohibition robs the worker of his personal liberty," made an effective appeal. But since the adoption of the Eighteenth Amendment the average trade unionist is no longer impressed.

The drive to line up organized labor in an anti-prohibition crusade will meet with little success if the "unemployment" argument is used again, for there is very little unemployment in America—a condition which is likely to continue for some time. Beside many trade unionists are becoming convinced that the transfer of capital from the manufacture of liquor to other lines has materially helped the unemployment situation. According to the Federal Census Reports a capital investment of over $4,000 was required to employ one wage-earner in the manufacture of liquor, compared with less than $2,000 in other industries. "Tear down a saloon and in its place is built a factory," said John Mitchell, former president of the United Mine Workers of America. And wet labor leaders have never been able successfully to combat the claims of the dry labor men that more men are employed in other lines, in proportion to the capital which is invested, than in the liquor business.

In scores of cities labor temples have been built since the Eighteenth Amendment went into effect, and claims are made that this is due largely to prohibition. Previously labor unions in many cities had meeting places above saloons where the rent was "free." "In Denver we had one hundred eight unions meeting in twenty-eight different places, mostly above saloons," declared a prominent Denver labor leader. "We could not get together because the liquor interests didn't want to see

us bunched. But when the state went dry, we were able to put it over and now we have a splendid labor temple, owned and controlled by the local unions." St. Paul, Detroit and other cities where labor temples have recently been built tell the same story.

Is it not strange that labor banks in Washington, D.C., New York, Cleveland, St. Louis, Chicago, Minneapolis and other cities have all been organized since 1920. Some labor leaders have said this movement would have come anyway, but isn't the question pertinent?

Union secretaries report that dues are paid more promptly than formerly. Perhaps this somewhat motivates the sentiment in favor of prohibition among local officials whose duty it is to see than this important phase of union business is attended to each month!

Friends of prohibition in labor circles also emphasize the fact that the liquor interests invariably opposed woman suffrage and direct legislation, two of the leading legislative demands of the American labor movement.

From all appearances the dry trade unionists are not planning to "lie down" while the wet drive is on, and interesting developments may be expected in connection with the attempt to persuade the American Federation of Labor to pull the liquor interests' chestnuts out of the fire.

DO BEER AND WINE PREVENT DRUNKENNESS?[1]

Not if history tells the truth. Distilled spirits were not even known, much less used, by the nations of western Europe until after 1000 A.D., but drunkenness had been recorded of their peoples for centuries. Writers of almost two thousand years ago described the beer with which the nations in the west of Europe "intoxicate

[1] By Dr. Harvey W. Wiley. Scientific Temperance Journal. 32: 13-14. Spring, 1923.

themselves," and the often unspeakable wine-drinking scenes in the great nations of that day.

Spirits were not commonly used as beverages in England until the sixteenth century, but for nearly a thousand preceding years church officials had been issuing laws, decrees, and pastorals against drunkenness.

Modern experience says, "No." Of the drunkards received by the Ellikon Hospital for Inebriates, 1887-1893, there were thirty-nine out of every one hundred who drank only wine or beer or both.

The British Board of Control (Liquor Traffic) found in London in 1916 that of several hundred men arrested for drunkenness, about 40 per cent had become drunk on beer or other malt liquors.

In Massachusetts in 1895, some twenty-six hundred men and women were convicted of drunkenness whose drunkenness followed the use of wine or beer, about one in every seven convicted for this offense. Beer and wine shared responsibility with spirits for intoxicating some fourteen thousand others convicted of drunkenness; less than one thousand used spirits alone. About one woman in every five convicted of drunkennes had used only beer or wine.

If there is "no drunkenness in wine-drinking countries," why has France a law against drunkenness, and recently found it necessary to strengthen this law? If there is "no drunkenness in beer-drinking countries," why are there this year (1922) in Germany thirty or more institutions for the treatment of drunkards?

Not all users of alcoholic liquors are affected in the same way or to the same degree, even by spirits. But anyone who knows anything about drinking habits has seen men—and women—become intoxicated on beer or wine. It may take a little longer but they land in the same place as by the whisky route.

The spirits drinker rides a full-blooded Arabian steed; the beer-drinker, a slow-going farm horse; they reach the same goal; the only difference is in time.

IS BEER INTOXICATING?[1]

1. *Q. What is intoxicating liquor?*

A. An intoxicating liquor is one which when ingested into the stomach and absorbed into the blood creates a *toxic effect* (on any or all of the body organs and functions). That effect *may be unnoticed by the subject or those who surround him* or it may be of such a character as to render him at once evidently unbalanced in some way to those who might happen to observe him.

2. *Q. Does the same amount of alcohol in a beverage affect different people alike?*

A. A given amount of alcohol affects all persons alike in that it produces a toxic effect. The degree of resistance (of individuals) to any given toxic substance of a definite amount varies almost as widely as individuals vary (in their personal characteristics). This is true of all toxic substances as well as of alcohol. It is a matter of common observation as well that many persons can take an amount of alcohol without any observable effects which in other persons would produce all the degrees of drunkenness. It is not possible to fix any given quantity of alcohol in a beverage and at the same time establish a sharp dividing line. Any attempt to define quantity of any toxic substances and call it intoxicating while a less quantity would be defined as non-intoxicating fails to take into consideration the remarkable variability of persons in respect to their resistance to toxic influences.

3. *Q. Does the health of the drinker have anything to do with it?*

A. The health of a person who drinks an intoxicating beverage undoubtedly has an influence on his

[1] Testimony of Dr. Harvey W. Wiley, food and drug expert, at a New Jersey Legislative hearing March 1, 1920.

susceptibility. In a state of health the body is more resistant to all forms of infection than when in a debilitated state. A person in robust health may be exposed to the bacillus of pneumonia without succumbing. If his health has been depleted by a cold or an attack of influenza the same bacillis would produce pneumonia and probably death. The sane physician will not advise people in a state of health to undergo the possible dangers of infection. He may tell them, however, that they are less likely to succumb than when debilitated.

4. *Q. Does the age of the drinker make a difference?*

A. For the above reason the adult and the middle-aged man can withstand the effects of an intoxicating beverage better than a child or an old man. Neither health nor age, however, tends to modify the universal law of variable sensibility.

5. *Q. Does it have the same effect on an habitual user and a non-drinker?*

A. The fact that the human organism may become tolerant of a toxic substance by its continued use is a matter of universal knowledge.

6. *Q. Does a person become tolerant to the effect of alcohol?*

A. If one is poisoned by the bacillus of typhoid fever or smallpox and lives over this crisis he is practically immune to these poisons subsequently. The man who drinks an alcoholic liquor continuously becomes able to dispose of larger quantities of this toxic substance than he possibly could do at the start. All these data illustrate the wonderful patience and perseverence of nature, who does all in her power to safeguard those who purposely or innocently take poisonous substances into their system.

7. Q. What are the different stages of intoxication?

A. There are *four well marked stages of alcoholic poisoning.*

The first stage marks the beginning of the toxic effect. If the quantity of alcohol is small even the subject may not be conscious of any toxic effect. It may, however, be measured by the delicate methods now in use of determinning the changes produced in the brain and the memory and in the nerve sensibility of the subject. These determinations show that even in very small quantities alcohol produces a distinctly toxic effect. The functions of the intellect are at once harmfully affected, and the sensibility of the nerves of the eye and the so-called knee-jerk test is to a measurable degree sensibly affected. In my own case I have noticed this effect in playing chess, a game of which I have been very fond from early boyhood. In former times it was quite customary for chess players to have a glass of beer or wine when there was no stake in view, such as a championship, but merely a game for pleasure. I soon noticed that when playing against an opponent of equal strength where as a rule the results would be 50-50 over a series of games they became 75 to 25 in his favor if I should drink a single glass of beer. This method of measurement of course is not quite so accurate, but is quite as convincing as the more delicate method described above. I describe this kind of alcoholic intoxication as one in which the subject himself is not conscious of it, and where ordinary observation fails to detect it.

The *second stage of alcoholic intoxication* is one in which the subject if he is at all attentive to such matters feels that his condition is unusual. There is a certain feeling of warmth wholly illusory and due to a partial paralysis of the peripheral nerves which allow a greater quantity of blood in the capillaries. There is also a certain feeling of elation and an apparent freedom of speech due to a specific influence of the coordinating organs of

the brain. There is at the same time a very great depression of intellectual acuteness. This condition may or may not be observed by the bystanders just in proportion as the subject has greater or less control of his actions.

The third stage of alcoholic intoxication is one in which the ordinary symptoms of drunkenness are manifested. These symptoms vary with the individuality of the victim. He may become taciturn and morose or he may be boisterous and voluble or even hilarious. His control of locomotion and other muscular movements is more or less disturbed and he may display an acute locomotor ataxia. All of his companions know that he is drunk.

There is a fourth stage of alcoholic intoxication in which the victim sinks into entire insensibility. His face and breathing remind one of a person suffering from apoplexy and in extreme cases death supervenes.

8. *Q. Is visible intoxication essential to intoxication?*

A. *Visible intoxication is not essential to intoxication.* The sun is totally eclipsed even if we do not see the shadow of the moon. When a person gets drunk the first glass he drinks is just as much responsible for his condition as the last one. Intoxication has a beginning and that beginning is as much intoxication as the final death struggle of the man who dies from alcoholic intoxication. Every step is essential to the whole journey. The man who doesn't take the first step doesn't die of the last one.

9. *Q. What should be the test in determining whether a certain liquor or a certain alcoholic content is intoxicating?*

A. The test which is to be applied in determining whether an alcoholic liquor is intoxicating is the well

known fact that it intoxicates. The question of quantity is not at all essential. If the effect is produced that effect must have had a start. That start is made by the intoxicating beverage which produces the effect. It must have started with the first drink; even if that step is difficult to perceive it must have been taken. No system of faulty logic can eliminate it. No camouflage of terms can convince a reasonable man that the first step was not taken.

10. *Q. Is the test for an ordinary man the safe one?*

A. The test for an ordinary man is a good one for that man but a test on one person is no means of determining the acuteness of the effect on another person. I have read the affidavits in which a certain number of men were given certain quantities of an intoxicating beverage containing a certain quantity of alcohol. The wise individual who conducted the experiment looked the men over and decided that they were not intoxicated. I find no evidence that the sensibility of the nerves of the men were not impaired. I saw no account of the delay in the reaction of the knee jerk. I saw no account of any intellectual problem which they had solved before or after the experiment. In every one of these cases there may have been very pronounced intoxication, though perhaps none of the symptoms of ordinary drunkenness were manifested. A scientific conclusion on the observations made would be this, these men are not drunk in the ordinary sense of that term. They are perhaps intoxicated in the proper sense of that term. There are about 109,999,990 people in this country who have not been tested by this method. If only one of the whole number should exhibit signs of drunkenness under this debauch, the conclusions drawn would be utterly untenable.

In the opinion of our law makers, a beverage which contains not over a half of a fluid ounce per gal-

lon is not considered intoxicating. That, of course, is the legislative point of view. It is a safeguard which is practically effective and with which I have no quarrel, nor will I criticize the wisdom of our law makers in putting it so high. That, however, does not in any way weaken the argument that alcohol is a toxic substance. It is a wise legislative provision to prevent harm from increasing quantities of this toxic ingredient in beverages and is a matter which waits for revision or confirmation by the courts. There is no witness whose testimony I have read in this case who denies that alcohol is intoxicating. There is, therefore, some limit which must be set by somebody.

11. *Q. Is 2.75 per cent beer intoxicating?*

A. In regard to the question: Is 2.75 per cent beer intoxicating? I refer to the discussion above. In my opinion I have no doubt of that fact. It may even, as I have seen in my own experience, produce the third state of intoxication, namely drunkenness.

12. *Q. Is ½ of 1 per cent a safe standard?*

A. My own personal opinion is that the Congress of the United States might have very properly fixed a lower standard than ½ of 1 per cent. For all practical purposes, however, I am strongly of the opinion that ½ of 1 per cent is as high a toleration of an intoxicating substance in a beverage as Congress should have allowed.

BEER THE BRUTALIZER[1]

Contrary to generally accepted belief beer is proportionately much more noxious than are wines or liquors. While liquor makes a man brutal and dulls his judgment, beer makes him slow-witted and abolishes judg-

[1] By Dr. Edwin F. Bowers. Alcohol, Its Influence on Mind and Body. p. 65-72.

ment. And, while wine or brandy, in sufficient quantity, makes a man crazy, beer, in corresponding quantity, makes him stupid. And between insanity and stupidity there is merely a question of choice. Some of us prefer an interesting maniac to a brutalized idiot.

The actual reason for this brutalization and sottishness has been known for only a few years—is even yet not generally understood. Yet it is very simple. For, in addition to the small whisky glass of alcohol in each pint of beer, beer also contains a large and varying percentage of lupulin—the active principle of hops.

The so-called lupulin glands of the hops secrete an ethereal oil consisting of various terpenes—substances similar to turpentine oil—which hold the other elements in solution. Among these elements are the hop acids and resins.

We used to think that we got all the "rosin" with which we varnished our kidney cells from the pitch lining of the beer barrels. But we know now that we get our kidney shellac from the hops which enter into the composition of the beer. These terpenes act powerfully and disastrously upon the nervous system as well as upon the kidneys.

The alkaloids, too, have a stupifying action on the nerves. For the hop belongs to the hemp group, and is closely related to Indian hemp. On the female blossom of Indian hemp, as on the female blossom of hops, we find glands holding a narcotic, sticky, bitter-tasting substance, which is the active element of hashish.

Hashish is used largely by the various Mohammedan peoples of west and south Africa, and in the Malay Archipelago, for narcotic purposes. In the intermediary stage—before complete stupification sets in—these hemp habitues become dangerously violent—even to running amuck with a huge creese, or crooked-bladed dagger—stabbing and slashing, until they are mercifully killed in their tracks.

Now, hashish contains exactly the same elements as are found in the lupulin glands of hops—bitter-tasting resins, an ethereal oil, and one or more alkaloids. Therefore, hops exert the same effect on the human body as does hashish—differing only in degree.

Naturally, in making this comparison, we must remember that hashish is used in concentrated form, while there is relatively but a small amount of the hemp elements in beer. But this is somewhat offset by the fact that a beer drinker imbibes—in his favorite beverage—sufficient lupulin to make up considerable of the deficiency.

Professor Reinitzer, of the Polytechnic at Graz, has demonstrated that it is due to the preservative action of the hop resins that it is possible to "keep" beer. The bacterial life-forms in beer (the sarcina organisms) are hindered from multiplying by the resins contained in the hops. This assists the alcohol in preventing undue fermentation. So the internal organs of a beer drinker undergo a double process of pickling, which makes him just about 50 per cent worse off than he would be if he confined himself exclusively to alcohol.

Here we have rational and scientific explanations as to why excessive beer drinking is accompanied by that stupidity and clumsy heaviness of mind peculiar to those who indulge unwisely and unwell in the beverage that anathematized Gambrinus. The vivacity and brilliance of wit which enable the Munich beer drinker, for instance, to stare stupidly into his beer mug for an hour at a time, are typical symptoms of hemp poisoning—plus alcoholism. And either alone is bad enough—in all conscience.

It would be most interesting if Kraepelin, Benedict, Ascheffenburg, or some other physiologist were to make a series of experiments with the lupulin extracted from a given quantity of beer, to determine exactly how much extra loss in memory, correlation, response, accuracy,

and work-value follows the use of beer—as compared with undoped alcohol.

We have just seen that alcohol plus lupulin equals brutishness. It might be instructive to amplify this knowledge somewhat—to convince ourselves that the whisky devil cannot be driven out by the beer Beelzebub. Here are a few of the reasons why.

Professor Forel, of the University of Zurich, reported that at the Ellikon Sanatorium—the first great institution of Europe to forswear alcohol in therapeutics—the number of alcoholists outnumbered the spirit alcoholists nine to one.

Dr. Hueppe and Professor Przibram, of Prague, have demonstrated, by the incontrovertible evidence of the autopsy table, that beer injures more hearts, livers, and kidneys than does brandy.

The great physiologist, Welminsky, has shown that the belief that beer drinkers do not suffer from delirium tremens is a fleeting fitful fancy. He has given us accurate statistics proving that in Bohemia and other European countries—with a beery past, present, and perhaps future—a far greater number of the delirious have become so through beer than through spirits drinking.

And Dr. Delbrueck adds, for our edification, that beer and wine lands (France, Germany, Belgium, and Bavaria) are the most alcohol drenched, and that the whisky and brandy lands (Sweden and Norway) the least so. He concludes that the beer danger is for the future far greater than the spirits danger.

Also, Dr. August Smith, of Schloss Marbach, has reported experiments which prove positively that beer drinking—even more than spirit drinking—produced invariably a dilation of the heart, and coincidentally causes all the pathological effects upon the circulatory system that accompany heart dilation.

And here is something that may give the beer drinker pause. In the Reintzer prisms, displayed conspicuously

in the anti-alcohol exhibitions of Europe, one cube represents a pint of pure alcohol—sufficient to kill a man on the spot. Alongside of this is a prism standing for 14.6 pints of alcohol—the amount a man who drinks a pint of beer daily takes into his system each year. It is a relatively simple problem to estimate from these comparisons just to what extent and how fatuously a beer drinker, in pursuing his favorite avocation, is flirting with the undertaker.

A device much used in Europe for demonstrating the alcoholic content of beer, might with profit be employed in this country. This consists of an ordinary and most familiar looking bottle of brown beer, through the cork of which a small hole has been punched. This bottle is set over a heating apparatus, and after two minutes the alcohol evaporates and passes up through the hole. The gas is then ignited, and, needless to say, it makes a very pretty and most illuminating illumination.

And to prove, out of their own mouths, that the Germans are not nearly so enthusiastic about beer as some pro-beerists would have us believe, we have but to glance at these excerpts from an army pamphlet entitled "Alcohol and the Power of Resistance," circulated widely among German soldiers.

> There is no justification for calling beer "liquid bread," a glass of heavy beer costing 25 pfennigs has no more nourishment than a piece of cheese costing one pfennig. . . . Almost all excessive disturbances in the army are traced to drink. . . . It is mostly beer that causes the mischief. Beer is not the harmless drink it is supposed to be.

The most sinister thing about beer is this apparent harmlessness. Yet almost invariably the drink habit is inaugurated through the use of beer. Scientific men and sociologists in general fail to agree with brewers in their contention that beer drives out stronger liquors. Professor Strumpel of Breslau, Germany, says, "Nothing is more erroneous than to think of diminishing the destructive effects of alcoholism by substituting beer for other alcoholic drinks." And Dr. Howard A. Kelley of

Johns Hopkins University says, "I consider, with eminent German authorities of enormous experience, that beer is exceedingly injurious and dangerous as a beverage." And so it is. For of eighteen cases of drunkenness appearing before a police court judge "hand running" recently, (1916), fifteen said they had been drinking beer. Three old topers had been using whisky. Half of these beer cases involved assault and battery or destruction of property.

Even as a "hot weather drink" beer is a broken reed upon which to lean. For Dr. Alfred Plehn, world famous as a tropical hygienist, warns explicitly against its use, arguing that, in his experience, it is especially suited, under pathological conditions a hot climate creates, to create disturbances in the stomach and digestion, and in this way to prepare the ground for dysentery.

MASSACHUSETTS' EXPERIENCE WITH EXEMPTING BEER FROM PROHIBITION [1]

Among the many reasons for including beer under prohibition laws is the instructive experience of Massachusetts nearly fifty years ago with the plan of exempting beer. It proved a distinct failure.

Beer Shops Produce Misery

In 1870, Massachusetts so altered its then prohibitory law as to allow the sale of malt liquor in all places unless there was a local vote to forbid. The next year the law was changed so as to require a vote in order to allow such sale. The results were so conspicuously disastrous that in 1873 the laws permitting the sale of beer were repealed in accordance with a recommendation of the governor of the state who said in his inaugural address:

[1] By Cora Frances Stoddard, Executive Secretary, Scientific Temperance Federation. Boston, Mass.

If we are to accept the evidence of those who have had the most painful experience of the miseries produced by these places (beer-shops) they are among the greatest obstacles to the social and moral progress of the community.

Increased Intoxication and Its Results

The conditions which prevailed in Massachusetts during this period when malt liquors were sold while spirituous liquors were prohibited revealed strongly the important fact that *intoxication and its results markedly increased during the period of beer-selling as compared with the previous prohibition period.*

Under the cover of beer, the sale of stronger liquors increased so that, in addition to the results of increased beer-drinking, the malt liquors made it possible for all sorts of stronger liquors to be sold, precisely the experience which Georgia recently had before she also prohibited malt liquors.

The Sources of Evidence in the Massachusetts Experience

The following evidence on the situation in Massachusetts under the beer regime is taken from two sources: (1) Alcohol and the State, a volume written in 1880, less than a decade after the beer experience, by Judge Robert C. Pitman, LL.D., Associate Justice of the Superior Court of Massachusetts; and (2) the report of commissioners appointed by the Governor-General of Canada in 1874 to visit states of the United States in which the prohibitory laws were then or had been in force. The commissioners were instructed "to make inquiry into the success which had attended the working of such laws and to report thereon as well as on other essential facts connected with the same."

The Canadian commissioners visited six states, "obtained interviews with governors, ex-governors, secretaries of states, army officers, senators, members of Congress, judges of the supreme, superior, and police courts,

district attorneys, mayors, ex-mayors, aldermen, overseers of the poor, selectmen, jailors, trial justices, city marshals, editors, chiefs of police, employers of labor and influential citizens." They studied official documents, visited all sorts of quarters in the cities, and in Maine and Massachusetts, rural districts. Special pains were taken to ensure accuracy by reading, before leaving, to persons who made statements, notes taken of such statements, so that there should be no misrepresentations.

The entire report, now a rare document out of print, is interesting in its picture of the prohibition period in the United States. We shall quote here, however, only what relates to the beer experience in Massachusetts. The complete report on this point is reproduced. Headings only have been inserted. The report says:

In the Legislature of 1870, an Act was passed exempting cider and malt liquors from the prohibitory law, but giving municipalities the right to vote license for the sale of these liquors or to prohibit the sale; and in 1873 the Legislature repealed the Act and restored Prohibition as far as malt liquors were concerned, but still exempting cider. The following testimonies and figures show the results of this partial liberation of certain liquors from the grasp of Prohibition:

In 1870 and 1871 the people of New Bedford voted "no license," but in May, 1872, they carried a license vote by a small majority.

Of the results the commission reports Judge Borden of this city as saying:

The beer law appears to make considerable difference to the police court. The number of criminal prosecutions in the court from May 7 to October 1, 1870, under the prohibitory law, was 200; same time in 1871, under the same law, was 219; same time in 1872, under the beer law, 454. The cases named in 1871 include 83 for drunkenness and 46 for assaults; in 1872, 274 cases of drunkenness and 67 for assaults. Besides the total of 454 this year, 41 persons arrested were allowed to go without prosecution, which is about three times the number dismissed in that way during the same months of 1871.

The commission found in the reports of the New Bedford mayor and city marshal the following significant figures:

Whole number of arrests, 1871 (Prohibition) 462
Drunkenness 188
Whole number of arrests, 1872 (Beer sold) 779
Drunkenness 415
Lodgers in stations, 1871 (Prohibition) 348
Lodgers in stations, 1872 (Beer sold) 434

"Thus exhibiting," says the commission, *"an increase of over 68 per cent in the aggregate number of crimes, over* 120 *per cent in cases of drunkenness* (Italics ours.)

House of Correction

Number of commitments from New Bedford in 1871, was 93
Number of commitments from New Bedford in 1872, was 180
Or *an increase of about* 97 *per cent.*

Workhouse

Number of commitments from New Bedford in 1871, was 37
Number of commitments from New Bedford in 1872, was 69
Or *an increase of about* 95 *per cent.*

Trial Justice E. Southworth said:

So far as I am able to give an opinion of the working of the beer law, it would be that we may as well have a law licensing the sale of all other intoxicating liquors; for everything, almost, that will intoxicate, is sold, or has been, by the name of beer. I have no belief in any beer law. I know, or I think I do, that drunkenness has largely increased under its operations.

The commission quotes Trial Justice Newton Morse of Natick (Middlesex County; population 6,404) as saying,

Whole number of prosecutions for all offenses from July 20, 1870, to date, 655; liquor prosecutions for the same time, 614; prosecutions for drunkenness, 162. Of the remaining 279 cases, 178 are the direct results of liquor selling and drinking. I voted in the Legislature of 1869-70 for the beer law, as I believed in the interests of temperance and the Republican party. With the experience of the last two years, I shall this year vote against the beer law, in the same interest. The prosecutions for drunkenness for the last year, and especially the last part, have increased one-third.

Justice Hamlett Bates of the Chelsea Police Court said (January 3, 1873):

The records of the court here exhibited the number of cases for drunkenness for the three years past as follows:

In 1879 (Prohibition up to September)	141
In 1871 (beer law in operation)	188
In 1872 (beer law in operation)	260

The sale of beer should *not* be legalized; almost every beer saloon is a rum shop. For violation of the law, imprisonment instead of fines should be imposed, not for a few days, but for months.

From the justice of the First District Court:

My district includes six towns, to-wit: Sturbridge, Southbridge, Charlton, Dudley, Webster, and Oxford.[1]

The sale of beer is prohibited in all of them. There is not an open bar in the district, but liquor is sold to a limited extent in dwelling houses, and by persons who carry it in their pockets.

Should the sale of beer in the above named towns be permitted by vote, crime would increase there 50 per cent within a month. To permit the sale of beer by law is only a deceptive method whereby the sale of all kinds and quantities of intoxicating liquors is legalized and clothed with a kind of respectability which does not belong to that nefarious business.—*Report of Clarke Jeilson, Justice of the First District Court, County of Worcester, and Mayor of Worcester.*

Vitiated Prohibitory Law

One of the effects of the free sale of malt liquors is to increase the crime of drunkenness, and multiply by other forms the violation of the criminal law. The sale of these liquors is made a cover for the sale of spirituous liquors generally. Under the laws of 1870, the sale of malt liquor was authorized for several months in the town by vote of the inhabitants. Efforts to enforce the prohibitory law, or what there was left of it, during that period were almost nugatory. In no way, as it seems to me, can a greater blow be given to the prohibitory law, or its purpose be more surely defeated, than by legalizing the sale of malt liquors.—*J. Rockwell, Trial Justice and Judge of District Court, Berkshire.*

Results Shown by Jail and Prison Reports

By a reference to a former part of this report it will be seen that in 1867 the prohibitory law was quite well enforced in Boston, so much so as to reduce the revenue receipts in one district from $22,000 to $6,000 per month.

[1] Population 19,000.

From the statistics of Boston, we gather the following figures:

October 1, 1867, confined in Suffolk jail	173
October 1, 1870[1]	222
Difference in favor of prohibition 49	——
Committed to Suffolk Jail in 1867	3,736
Committed to Suffolk Jail in 1870	5,262
Difference in favor of prohibition.....1,526	——
Committed to all the jails in the state in 1867	5,770
Committed to all the jails in the state in 1870	7,850
Difference in favor of prohibition.....2,080	——
Committed to City Prison, Boston, in 1867	10,429
Committed to City Prison, Boston, in 1870	12,862
Difference in favor of prohibition.....2,433	——
Committed to all the Houses of Correction in the state in 1867	3,829
Committed to all the Houses of Correction in the state in 1870	5,477
Difference in favor of prohibition.....1,648	——

STATE PRISON

Committed in 1867	128
Committed in 1870	177
Difference in favor of prohibition.....49	——
Average number of convicts in 1867	537
Average number of convicts in 1870	594
Difference in favor of prohibition.....57	——
Total number of persons in State Prison in 1867	646
Total number of persons in State Prison in 1870	774
Difference in favor of prohibition.....128	——

Such is the official report of the Canadian commission on Massachusetts' experience with exempting beer from her prohibitory law. It showed that drunkenness, crime, violation of the liquor law, distinctly increased and that under the cover of malt liquors, the sale of the stronger beverages not only increased, but was far more difficult to control than when malt liquors were included

[1] As the prohibition law was not repealed until 1870 these figures obviously do not show the full disadvantages of the "beer" period over the prohibition period.—C. F. S.

in prohibition. The exemption of malt liquors practically vitiated the prohibition law.

The evidence submitted by Judge Pitman was of the same general tenor. Following are some selections which he made "from a mass of testimony from the most reliable sources."

The Beer-Shop Is the Rum Shop in Disguise

The Boston Chief of Police, in December, 1870, reported that out of 2,584 places in Boston where liquor is sold, only *seventeen sell lager-beer alone.*

The Chief Constable of the Commonwealth, under date October 3d, writes: "That not exceeding five per cent of the retail dealers who pretend to sell ale, porter, strong beer, and lager-beer, confine or limit their trade to malt liquors only. The service of the search warrants almost invariably discloses the fact that lager-beer saloons, so-called, keep and sell more or less distilled liquors."

In reply to letters of inquiry addressed to District Attorneys, generally uniform answers on this point were received.

The District Attorney of Essex writes: "According to the evidence which I have, beer-shops where nothing stronger is kept or sold are as scarce as men entirely without sin."

The District Attorney of the Western District: "I believe, wherever beer is sold, strong liquors are also sold."

The District Attorney of the Northwestern District: "The difficulty is that the beer traffic should be used as a cover for rum-selling. That it is so used can not be denied."

The Attorney of Worcester County: "The exemption of beer affords a cover under which to sell spirituous liquors."

A like testimony is borne by the justices of police and similar courts. We select a few: *Chelsea*: "About every beer saloon is a rumshop." *Worcester*: "In saloons where the sale of beer is permitted by law, there spirituous liquors can usually be obtained." *Springfield*: "All sorts of spirituous and intoxicating liquors are sold under cover of such license."

To multiply evidence on this point is needless. It is clear that the Governor was amply justified in declaring in his message that "a beer-shop, so-called, has come to mean generally a place where all kinds of intoxicating liquors are furnished."

Beer a Nullifier

"This is a corollary," said Judge Pitman, "from the last proposition; but it is capable of being made more impressive from independent proof. The Police Commissioners of the State, in the First Annual Report, say: "The ale and beer law is a veil that covers much that is vile, and it is one that is dif-

ficult for the officers to lift or see through; and, under its protection, every vile compound that ever poisoned the human system may be sold almost with impunity."

In his last report, the present Chief Constable said: "While it is the sole duty of the force to execute the laws, I may be permitted to say that the authority now given for the sale of ale embarrasses and hinders the force in their attempts to prosecute for the sale of liquors forbidden by law."

One of the most intelligent and active of the deputy State Constables writes: "I believe it is almost useless to attempt to enforce the law against spirituous liquors while all persons are allowed to sell malt liquors."

The District Attorney of Worcester County says: "I have no doubt that the beer traffic is adverse to the enforcement of the liquor law. I do not well understand how the friends of that law can hope to enforce it when the exemption of beer affords a cover."

The Justice of the Police Court of Springfield says: "I think licensing the sale of ale and beer much increases the difficulty of enforcing the prohibitory law;" while the Mayor of the city of Worcester declares that "to permit the sale of beer by law is only a deceptive method whereby the sale of all kinds and quantities of intoxicating liquors is legalized and clothed with a kind of respectability which does not belong to that nefarious business."

Mayor Richmond, who earned a reputation for the vigorous and thorough enforcement of the prohibitory law in New Bedford, said in his valedictory in 1872: "It will be remembered that, on the first Tuesday of May last, our city voted to allow the sale of ale and beer. The result has proved that the legalizing the ale and beer-shop has been a curse to our city, and carried misery to hundreds of homes in our midst. They are nothing but shields to cover the stealthy sales of all intoxicating drinks, and are *almost a thorough protection of the rum-seller against the enforcement of the prohibitory law.*"

The causes which render the detection and conviction of sellers of distilled liquors difficult where the sale of fermented liquor is lawful, lie upon the surface, and are not difficult to see. . . .

Beer a Stimulant of Crime

Among many persons of some general intelligence, a notion prevails that fermented liquors rarely excite to crime. Such is not the judgment of those practically conversant with our criminal courts; such is far from the testimony of criminals themselves.

Beer and Crime

In the nature of the case it was impossible for officials to determine exactly what proportion of the increased drunkenness crime was due to beer and what to

spirits. Many of the persons brought to court evidently themselves believed that beer was intoxicating and capable of putting them into a condition for committing offences as they repeatedly claimed beer "as their usual tippie." Judge Pitman quotes an interesting expression of opinion from the Essex County District Attorney to the effect that the "immediate influence and effect (of beer) upon crime is more dangerous to the community than the stronger liquors, in this way: *The excessive use of the stronger drinks is liable to make men drunk and helpless, unable to do much harm, while beer excites men to acts of violence, desperation and crime.*"

Beer Temptation to Youth

Further difficulties experienced during the beer period in Massachusetts lay in the object lesson and incentive to drink which the sale of beer presented to youth and to addicts trying to free themselves from the drink habit.

To exempt beer from the provisions of the prohibition laws claiming that it is non-intoxicating is a direct invitation to youth to frequent the beer saloon as they would a soda water fountain or dry goods. store. While the beer law was in operation in Massachusets, Judge Pitman related that the Rev. Mr. Coombs, one of the agents for the State Temperance Alliance for visiting the public schools, reported that "In one town, seventy-five pupils told me that they had been more or less intoxicated. In twelve cases where boys came into school drunk, or were found to be so in the school room, I was told that six of them drank cider (which was also exempt from prohibition.) Careful examination will show that nineteen out of twenty of the pupils who have been intoxicated were under the influence of cider or beer."

Led to Alcoholic Habits

Two superintendents of the Boston Washingtonian Home which at that time had had one of the widest

experiences with inebriates, were emphatic in their testimony that beer and other so-called light beverages initiated the drink habit in the majority of cases.

Increased Difficulties of Reform

Beer was also an "unqualifiedly hindering" cause in the thorough reform of inebriates. "A large proportion of backsliders stumble over these light drinks who would hesitate long before they would dare meddle with stronger liquors." This is a matter of no small importance in a would-be prohibition state.

The Testimony of Ancient Laws

In view of the proposition to exempt beer from the operations of the prohibition laws, it is pertinent to recall Judge Pitman's comment on this fact from a legal point of view:

> In a resumé of the license laws of Massachusetts I have called attention to the fact that from the earliest years beer and cider took their place beside "strong waters" or distilled liquors as inhibited without license. And I am not aware that the laws of other states differed in this respect. . . . It is quite evident that our forefathers early learned what were intoxicating liquors, if they did not find out how to manage them. . . . Long before the temperance pledge embraced abstinence from them, the partial legislator had determined that fermented liquors needed the same measure of restraint as distilled. . . . Legislation against an evil is both confession of it and testimony against it. And where the course of legislation is uniform and long continued, the testimony is weighty.

The experience of Massachusetts with permitting beer selling while prohibiting the sale of other liquors is thus definitely on record. Drunkenness increased, crime increased, poverty increased, the sale of stronger liquors under cover of malt liquors increased, the difficulties of enforcement of the prohibitory sections of the law were vastly increased—and after only three years the beer law was repealed.

ECONOMIC BENEFITS OF PROHIBITION[1]

National prohibition began with us as a war-time expedient and was not pretended to be anything else. The nation's utmost producing capacity we needed that we might launch the thousand ships, make the millions of shells, clothe and arm the millions of soldiers with which the war was to be won. We could never have production at its best and also have John Barleycorn, and before this ironvisaged fact Barleycorn must go skipping. All the experiments with state-wide prohibition had shown the same finalities. Everywhere production had been stimulated, production costs had been reduced in proportion to the output. It was this revelation that spread the tide from state to state. On December 1, 1917, eight months after we entered the war, President Wilson gave the last-needed touch to the argument by suspending by proclamation the brewing of beer and establishing about coal-mines and munition plants a state of absolute prohibition of all liquor.

When war-time prohibition succeeded, it merely confirmed all this. Every condition of industrial production notably improved wherever the saloon was abolished. Without expense, the yield of mine or factory was enlarged. Employers had the equivalent of an increased force of workers without an increase in the pay-roll. For years augmented production efficiency had been much in the thought of every wise manufacturer. How many "speeding-up" systems, how many well devised plans of premiums and rewards had been proposed, how many strikes they had caused or threatened, memory flags to recall. Now all these ends were achieved by the simple and inexpensive means of throwing out the beer-can. Under such conditions, the beer-can was out to stay out.

The theory of prohibition may be good or bad; it is to the physical fact of prohibition that we chiefly owe

[1] By Charles E. Russell. Century Magazine. 107: 328-31. January, 1924.

the strangely placid economic waters in which we now navigate. At a time of profound agricultural depression all other industry should suffer. Other industry does not suffer now, but does more than usualy well because increased production efficiency enables production to stand the strain of raised wage levels.

Foreigners are beginning to note these facts, even if we ignore them. After two years of American prohibition, Mr. G. C. Vyle, a British business man and anti-prohibitionist, came to this country to observe the working of the new reform. On his return he was quoted as declaring in a speech at Birmingham that seven American working-men with the same plant, same materials, same facilities, would produce more than ten British working-men.

Mr. C. A. McCurdy, member of the British Parliament from Northampton, was lately quoted as saying to the business men of Leeds, England, that the American worker was producing, man for man, three times as much as the British worker, and he gave figures from the shoe industry to enforce his statement. He added that while in Great Britain the average output of coal had declined from three hundred twelve tons a year for each miner to two hundred fifty-nine tons, the average output in the United States had increased from four hundred tons for each miner to six hundred eighty-one tons.

The president of a Pittsburgh manufacturing company was quoted in 1922 as saying:

> Prohibition has been an incalculable economic and moral blessing to millions of our people and to the nation as a whole. There is far less drunkenness and waste of time and money; there is greater steadiness among laborers, more saving of money, better care of homes.

"Greater steadiness among laborers." He might have stopped there. It told the whole story.

Why important business was of the opinion that prohibition was useful to it may be gathered from the figures that show how increased production efficiently spread its results outward from the basic enterprises.

In the first year of national prohibition the business of the department stores of America increased 17 per cent, of the chain grocery stores 43 per cent, of the chain drug stores 19 per cent, of the chain shoe stores 21 per cent, of the chain 5 and 10 cent stores, 18 per cent. Estimates of the annual increased revenue for the moving-picture business that prohibition has wrought are made in hundreds of millions of dollars.

In six hundred twenty savings banks the deposits increased under one year of prohibition by $6,001,750,000 against an increase of $4,509,000,000 the previous year.

The average number of life-insurance policies outstanding in the years 1917 and 1918 was 12,175,000, and in the years 1920 and 1921 it was 17,198,000; the increase in the value of the policies was 55 per cent.

These are but samples. All the enterprises I mention are intimately connected with or owned by the most important financial concerns of the country. In view of such facts it seems idle to talk of the economic power of the liquor trade, or even to cite racial habits, as anywhere any barrier to a similar transformation.

But the next link in the progression is still more interesting, still more suggestive. In our industrial civilization the international struggle for markets grows every day more intense. Production efficiency is production economy. By exactly how much American prohibition has increased American productive efficiency is still to be put into figures, but we know enough about it to know that it is an increase of momentous importance in the world-wide market arena. Even those that have estimated the gain at 30 per cent, may not be extravagant. One thing that is clear is that it has put America into a position she never before occupied in these contests. For years previous to the war, international distribution was adjusted to a certain well known balance of producing conditions. The admittedly superior intelligence and skill of the American working-man were offset by the high American wage scale; otherwise,

American production would have flooded the world. Prohibition in America has dislocated this adjustment. By increasing efficiency it has worked a virtual reduction in the relative American wage scale. This is hardly short of revolution. When we recall that in some of the competing nations, as in Great Britain, production is already jeoparded by taxation, by labor troubles, by the state of exchange, the depression in Europe, and the rapid rise of industrial Japan, we can see that Europe is to be forced to view with attentive eye the new factor in American success.

That this is so, Americans who with impartial minds have lately studied European conditions know well enough. Early in 1923 the Department of Commerce in Washington sent abroad one of its skilled observers to note the state and prospects of European trade. On his return he said he had found the master producers in all countries looking with wry faces at the new figures of American production and production costs. It was his conclusion, as it was theirs, that competition would drive Europe in self-defense to adopt prohibition. The only escape from it would be a miracle that would restore the saloon in America, and no imagination can suggest a thing more improbable.

Even where a nation seems not to be directly involved in the market strugglings of the giants, it is effected by their conflicts; it feeds or clothes or in some way attends upon a giant, so that production efficiency is also the heart of its own welfare.

AN EARLIER VIEW[1]

The theory that the use of beer and light wines will diminish drunkenness and tend to wean men from the use of the stronger liquors is not a new one. Upon this

[1] This address, delivered by Rev. J. B. Dunn at the World's Temperance Congress in Chicago in 1893, the year the Anti-Saloon League was organized, was entitled "Are Beer and Light Wines to be Encouraged as Against the Stronger Distilled Liquors?"

theory it was that the early temperance reformers begun the movement, but they quickly found out that the drinking of beer and wine only led up to the use of the more fiery liquors. They found also that as the drinking of beer and wines increased, crime and pauperism and drunkenness increased, and that to do effective work their pledge must prohibit the use of fermented liquors, wines, and cider, as well as the distilled liquors.

But a new generation has sprung up that know not the fathers, and the old exploded theory is revived, and pushed to the front by its advocates with an urgency and persistence that would be commendable in a better cause. Their plea is, that these beverages are harmless and wholesome, that their use will tend to wean men from the use of the stronger liquors; also, that in beer and wine drinking countries intemperance is comparatively rare. To prove the utter fallacy of such a plea is the object of this paper.

1. As to the wholesomeness or harmlessness of beer. Take the following testimonies of authorities by no means prejudiced or fanatical. Medical science and experience have demonstrated beyond controversy that alcohol, in quantities conventionally deemed moderate, is inimical to the healthy human system, no mater whether it be in wine, beer, or whisky. Concerning beer and disease, the Quarterly Journal of Inebriety, a purely scientific rather than philanthropic journal, says:

> The constant use of beer is found to produce a species of degeneration of all the organism, profound and defective fatty deposits, diminished circulation, conditions of congestion and perversion of functional activities, local inflammations of both the liver and the kidneys are constantly present.

It adds:

> In appearance the beer-drinker may be the picture of health, but in reality he is most incapable of resisting disease.

The brewers, in their beer literature, undertake to show that the men in their employ demonstrate the wholesomeness of the beer, which they consume in large

quantities, by their healthy condition. Quite the contrary is the testimony of disinterested physicians of large experience and observation.

The distinguished Sir Astley Cooper declared, as the result of his experience in Guy's Hospital, that "the beer-drinkers from the London breweries, though persenting the appearance of rugged health, were the most incapable of all classes to resist disease, that trifling injuries among them were liable to lead to the most serious consequences, and that so prone were they to succumb to disease that they would sometimes die from gangrene in wounds as trifling as the scratch of a pin." And the celebrated Dr. Edmunds declares that the diseases of beer-drinkers are always of a dangerous character, and that such persons can never undergo the most trifling operation with the security of the temperate.

This is disinterested and trustworthy testimony, and is corroborated by the most eminent physicians in America. A few years ago the Toledo Blade published a series of interviews with leading physicians not known as specially interested in temperance, but physicians of large experience in dealing with beer-drinkers in their professional practice. These interviews, as a whole, present a very striking and powerful array of most convincing medical and scientific testimony against beer as a prolific source of disease, especially of dangerous kidney and liver trouble and of inebriety. The value of such testimony is enhanced by the fact that Toledo is essentially a beer-drinking city; that the German population is very large; that it has five of the largest and most extensive breweries in the country; and that there is probably more beer drunk there in proportion to the population than in any city of the United States.

These remarkable medical interviews may be summed up in the words of one of the physicians: "Beer-drinkers are absolutely the most dangerous class of subjects that a surgeon can operate upon. Every surgeon dreads to have anything to do with them."

In a line with this testimony of physicians, is the declaration of the president of one of the largest life insurance companies of the United States (Connecticut Mutual Life Insurance Company). Referring to beer, this gentleman says:

> I protest against the notion so prevalent and so industriously urged that beer is harmless and a desirable substitute for the more concentrated liquors. What beer may be and what it may do in other countries and climates, I know not from observation. That in this country and climate its use is an evil only less than the use of whiskey, if less on the whole—that its effect is only longer delayed, not so immediately and obviously bad, its incidents not so repulsive, but destructive in the end,—I have seen abundant proof.

He then gives numerous instances to confirm his statement.

In a line with this statement is the action taken by the Northwestern Life Insurance Company of Milwaukee, whose directors are wealthy men, residents of that city, where it is said the best lager-beer is brewed that is brewed in America, and who are in a position to know all about the healthfulness and harmlessness of lager-beer, as seen in its influence upon all employed in its manufacture. Two years ago the Northwestern Life Insurance Company came to the conclusion that, for the protection of its own business, it could no longer grant a life insurance policy to a lager-beer brewer, to his clerk, to his book-keeper, or to any man employed in a lager-beer brewery. Why? "Because," say the directors, "our statistics show that our business has been injured by the shortened lives of men who drink lager-beer." And so generally have other life insurance companies discriminated against beer-drinkers as extra hazardous risks, that a conference of brewers was recently held in a western city to make special arrangements for insuring their own lives and those of their beer-drinking companions.

What an argument against indulging in beer.

The Scientific American, which cannot be accused of fanaticism, says:

It is our observation that beer-drinking in this country produces the very lowest kind of inebriety, closely allied to criminal insanity. The most dangerous class of ruffians in our large cities are beer-drinkers.

The Rev. Dr. John Todd, of Pittsfield, Mass., though summoned by the License Party to testify on their behalf before the Massachusetts Legislative Committee of 1867, made this confession concerning the beer-drinkers of Pittsfield: "I wish to say in regard to beer, that, while I think it not as intoxicating as other drinks, it demoralizes awfully." And Oliver Dyer, whose remarkable opportunities for observation in New York city adds weight to his testimony, says, in a magazine article:

I wish to mention what seems to me to be a general fallacy, to wit, that lager-beer is an utterly harmless beverage, and that substitution of it for whiskey is a great gain. So far as my observation goes, I am satisfied that a German, with his brain soaked so stolidly in lager-beer, is as bad a brute as an Irishman with his brain set on fire with whiskey. The paroxysm of the whiskey-fired brain is more violent while it lasts, but the brutality of the beer-soaked brain is more stolid and enduring.

The claim that beer is a healthy drink, even beer-drinkers are coming to recognize as the greatest of delusions. "Do you know," says the Honorable Theodore Roosevelt, holding up his glass, and looking through the amber-hued liquid, "that there is not a thought in a hogshead of beer; that there is not an idea in a whole brewery? I mean," continued the Civil Service Reformer, "that nothing of merit was ever written under the inspiration of lager-beer. It stupefies without invigorating, and its effect upon the brain is to stagnate thought." And Mr. Roosevelt is not a temperance reformer. Yet brewers declare that the use of beer is an incentive to intellectual thought!

Beer a harmless beverage! Judge White, of Pittsburgh, says:

From thirteen years' experience in the criminal courts, I am thoroughly convinced that there are far more evils resulting from the use of beer than from whisky in this country. While the Chief of Police of Boston, in his report for 1872, asserts

upon the best of evidence, that many do get drunk upon beer, and not only that, but that "the 'beer-drunk' is the worst drunk of all."

Upon this point our enemies are by no means silent. "It is notorious," says Bonfort's Wine and Spirit Circular, "that our brewers seldom drink their own beer or the product of any other brewery. At the places which they frequent, and at which they take their meals, or at public picnics and summer-nights festivals, which are attended by brewers, it is generally noticed that those men drink anything but beer. If beer is healthy, why do our brewers refuse to drink beer?" And the president of the National Distillers' and Liquor-Dealers' Protective Association, in arguing in favor of a uniform license fee, maintained that there was as much evil resulting from the beer traffic as from the traffic in distilled liquors. "Beer," he said, "was drunk for its alcoholic effect. It was a slow, insidious intoxicant."

Listen next to the testimony of brewers themselves. One of the largest and wealthiest in New Jersey, who had amassed, it is said, through the business, a fortune of over half a million in less than twenty-five years, came to the conclusion that his business was wrong, and that to continue in it would simply be to outrage his conscience, so he abandoned it. He did not sell his business. He stopped it, and gave the following explanation of his conduct: "My action is not the result of religious excitement or conversion, but a conviction of what was my duty. I suppose that a good many Germans will take offence at what I have done; and I am very sorry. The brewers, too, will be offended; but, once convinced, as I am, that intemperance is the greatest curse of the world, I shall never again have anything to do with beer-making."

Now for the confession of one who was for many years America's greatest brewer. Shortly after the great fire in Chicago, at a meeting of a hundred or more gentlemen, former residents of the north side, where

wide tracts of the beautiful lake shore had for years been ruined for homes or investment by the great breweries of that quarter, William Lill, a citizen of large wealth, whose thirty years' experience as a brewer had placed him confessedly at the head of his guild in the northwest, was among the speakers. The question being upon the rebuilding of the breweries, Mr. Lill said that he should never build nor own another brewery. It was a business that demoralized both master and man. He had found it impossible to keep sober men on his premises. It was a manufactory of drunkards in constant operation; and the curse began in the brewery itself, where every man was a beer-barrel in the morning and a barrel of beer at night. He would have no more of it. He would be content to make less money in some other way.

At this point an old acquaintance in the audience called out, "Lill, what are we to do for that excellent ale of yours?" Mr. Lill answered, "Do without, and be the better for it."

What do the advocates of beer say to this revelation? It is no new discovery that the beer-saloon is one of the principal stations and ticket-offices on the Black Valley Railroad; but there is great value in this confirmation of the fact from one whose experience covers thirty years in a great brewery establishment.

Can that beverage, the manufacture of which demoralizes both master and man, be either harmless or wholesome?

II. Next, consider the plea that the use of beer and wine weans men from the use of the stronger liquors. Nothing can be more fallacious; the very opposite is the fact: their use but creates an appetite for the more fiery drinks. The issue is not what some papers writing in the interest of the brewers say, "beer *versus* brandy, wine *versus* whisky." There is no such issue. It is, and has always been, beer *and* brandy, wine *and* whisky. They are not at all antagonists. They are, on the con-

trary, partners. To change the figure, beer and light wines are "the devil's kindling-wood for stronger drinks." By creating and educating the appetite, they prepare the way for the consumption of distilled spirits, and tend most certainly to intemperance, crime and drunkenness.

The drink-school is graded, beer-guzzling and wine-bibbing being the primary departments; passing from the use of beer to brandy and from wine to whisky is but the devil's promotion from one school of vice to another. The claim that beer and wine displace the stronger liquors is utterly false. The alcohol in beer and wine is as dangerous and poisonous as in brandy and whisky. When Horace Greeley was at the head of the New York Tribune, a vigorous article from his pen appeared one morning in that paper, urging young men to avoid the tempter in whatever form he might appear, whether as punch or bitters, as sherry or Madeira, as hock or claret, as Heidsieck or champagne. The young men on the editorial staff, who knew more about such liquors than their chief, greeted Mr. Greeley uproariously when he appeared at the office, and with infinite glee pointed out to him that Heidsieck was not a different wine, but only a particular brand of champagne. As the laugh rang round the room, Mr. Greeley, who, as his opponents usually found, was quite able to hold his own, leaned with his shoulder against the wall, looking benignly at the laughing chorus, and when it became quiet he said: "Well, boys, I guess I'm the only man in this office that could have made *that* mistake"; and then added: "It don't matter what you call him, champagne, or Heidsieck, or absinthe, he's the same old devil."

Notwithstanding the use of distilled liquors has become fearfully prevalent in all beer-drinking and wine-growing countries, there still are found those posing as friends of temperance who advocate the licensing of places for the sale of "beer and wine only," as a remedy for intemperance. Dr. Charles A. Story, of Chicago, in

his admirable treatise on "Alcohol, Its Nature and Effects," in illustrating the folly of such a course, tells the story of a woman who urged her husband to sell their old dog, or give him away, or kill him, as she could not bear the sight of a dog. One night he came home, and said: "Wife, I've sold that old dog!" "Have you? Good, good! I'm awful glad of it! What did you get for him?" "I got ten dollars." "Did you? Good! I'm so glad you've sold him. Did you get your pay?" "Yes, but not in money." "Not in money! What did you get for pay?" "I took it in pups at two dollars apiece!"

So with a town that grants license for the sale of "beer and wine only," they have sold one dog, but they have got five instead.

III. Next, it is said that intemperance is comparatively rare in beer-drinking and wine-producing countries. This is fallacy number three. That such countries are cursed by intemperance and the long train of evils that follow in its wake is susceptible of the clearest proof.

What of Germany? Where, the editor of the Chicago Tribune says, "Drunkenness is so rare and so infrequent that it may be said not too exist." "No drunkenness among the Germans," says that editor. Let us see.

Professor W. F. Warren, who resided seven years in Germany, in his testimony before the Legislative Committee of Massachusetts, in 1867, said of the students in the Universities of Berlin and Halle: "One-third of the students are once a week what you would call drunk. As regards the people, I can only say, that during the last five years drunken people have gone past my house, I suppose every evening, sometimes boisterously drunk, and sometimes reelingly drunk." And the New York Independent, commenting upon the statement of an American lady resident in Berlin, that "there

is a great deal of drunkenness here as well as with us," quotes from a medical periodical of high reputation, significant statistics which show that the extensive use of intoxicating drinks is doing Germany an immense harm, and to the effect that "in Germany no less than ten thousand people die of *delirium tremens* every year; that of the male prisoners in the country over 75 per cent are constant drinkers; of the female prisoners over 50 per cent indulge constantly."

In Scribner's Monthly, an article appeared some years ago from the pen of William Wells, Esq., entitled "Low Life in Berlin," which is a striking comment upon the assumption that beer in Germany is a public blessing—a blessing (?) which should be still more widely extended in this country. In this article Mr. Wells says:

> If the school of social philosophers who argue so pleasantly about the influence of beer and wine in making a people temperate, will visit a few of the most notorious of the beer and wine cellars of the German metropolis, we will guarantee a change of front in their position in regard to this momentous question. The curse of Berlin is its ten thousand beer and wine cellars. Many of these are the retreats of the lowest species of vice and degradation, and the resorts of criminals in all stages of depravity.

Of Belgium, pre-eminently a beer country, a recent writer in a California paper says:

> Belgium appears to be the headcentre of drunkenness and drunken poverty and misery. It is a little country, about twice the size of Los Angeles county, and has 5,500,000 people. The drink is beer, wine, and gin. In the year 1850 there were 53,097 dram-shops; in 1870 there were 100,753; in 1875 there were 125,000; and in 1888 there were 140,000, more than half as many as in the whole United States. One dram-shop for every forty-four of the population, old and young!

In 1876 the writer was some time in Belgium. The workmen came on board ship to work every day loaded with private bottles of gin, in addition to the demijohns brought by their boss. In a gang of twenty-five to thirty-five men one was detailed about all the time to

serve out gin to the rest. Every day one or two men would be stretched out drunk and asleep somewhere, and there were a good many men more or less drunk always. When this was complained of the merchants said: Yes, we know it, it is always so, and we cannot help it. We have to give them gin right along or they would not work at all.

Yet in the face of these facts, a Boston physician declares the Germans to be the greatest benefactors of our country by bringing to us their beer.

How about the wine-producing countries? What of France? The distinguished American author, Cooper, wrote from Europe: "I came to Europe under the impression that there was more drunkenness among us than in any other country, England, perhaps, excepted. *A residence of six months in Paris changed my views entirely.* I have taken unbelievers with me into the streets, and have never failed to convince them in the course of an hour." Horace Greeley, writing from Paris, says, "That wine will intoxicate—does intoxicate—that there are confirmed drunkards in Paris, and throughout France, is notorious and undeniable." Honorable Caleb Foote, of Salem, Mass., writing from Paris to his son, Rev. H. M. Foote, of King's Chapel, Boston, said: "Persons here, who have been for years familiar with Paris, tell me there is a vast amount of drunkenness here, and they have seen enough to make them deny *in toto* the theory that the people of wine-producing countries are sober." The late Rev. Dr. E. N. Kirk, of Boston, who was for some time pastor of the American Chapel, Paris, says: "I never saw such systematic drunkenness as I saw in France. The French go about it as a business. I never saw so many women drunk." Robert Tomes, American Consul at Rheims, in his book, "The Champagne Country," says: "I have never beheld a coarser scene of debauch than was openly exhibited at Rheims night after night, during the carnival, at the

theater, in the *cafés,* and in the streets, where both sexes, whether disguised or not, put no restraint upon their tongues, gestures, or conduct. A rabid thirst for champagne, hot punch, and other strong drinks prevailed, and everyone seemed eager to reach intoxication as the *summum bonum.* Success crowned their efforts, *and universal drunkenness prevailed."*

France a temperance country! The claim is preposterous.

But it may be said, this is the testimony of Americans who know little about it. Well, let us hear the testimony of some of France's near neighbors, the English. John Plummer, an Englishman, writing from Paris to an English paper, says: "During the few weeks preceding Lent, Paris presents a picture of drunkenness almost unparalleled. The infamous orgies of which many of the *cafés* and *cabarets* are then the scene, are of an almost incredible nature. . . . It is lust and drunkenness in their foulest aspect." While Charles Dickens says: "The wine-shops of France breed, in a physical atmosphere of malaria, and a moral pestilence of envy and vengeance, the men of crime and revolution."

But it may be said the Englishman is prejudiced. Well, what of the Frenchman? King Louis Philippe told Mr. E. C. Delavan that "wine was the curse of France," that he wished every grape-vine was destroyed. And the Count de Montalembert said, in the National Assembly of France, "Where there is a wine-shop, there are elements of disease and the frightful source of all that is at enmity with the interests of the workman."

Another prominent Frenchman, M. Jules Simon, writing in the de Travail, describes the drunken scenes in the cabarets of France among men as disgusting. And of women he says: "Even in France there are towns where women rival men in habits of intoxication. At Lille, at Rouen, there are some women so saturated with it that their infants refuse to take the breast of a sober woman."

As overwhelming is the testimony of French editors. A French magazine, called The Work-a-Day World of France, says: "Drunkenness is the beginning and end of life in the great French industrial centers. There are manufacturing towns (Lille, for instance) where the women have followed the example of the men, and have added drunkenness to their other vices. It is estimated that at Lille *twenty-five out of every one hundred men, and twelve out of every one hundred women, are confirmed drunkards.*"

The Le Petit Journal of Paris, in describing the "Drink Scourge," of France, says: "The money-box of the liquor-seller swallows up, sou by sou, the wages that formerly, in the form of silver pieces, were hidden away in some corner of the clothes-press, to be brought out when enough was accumulated to buy a little piece of ground. In the villages the women are reduced, like the wives of workmen in the towns, to haunt the doors of the drink-shop in order to rescue the bread of their children from the alcoholic gulf." In the same strain the Constitutional, a Paris paper, has an editorial. It says: "It is unanimously admitted that the habit of drunkenness has increased in France year by year since the beginning of the century. . . . The tavern is a school of vice. It is from there that nearly all criminals emerge, and it is there that the great army of thieves and malefactors find recruits. The French race is deteriorating. Men begin with wine; soon the palate is pallid, and asks for stronger excitement. Alcohol is taken. In forty years the consumption of alcohol has tripled in France." Of late years the drinking habit has increased so largely that statesmen and publicists are appalled by the problem which is presented thereby. Alcohol insanity has more than doubled in fifteen years.

As with France, so with Switzerland, another noted wine-growing country. The testimony is all one way. Take the testimony of one who spent several years among the cantons. In a letter to Dr. J. G. Holland,

he says: "I have seen more drunkenness here than in any other country I have visited, not even excepting England and the United States." Dr. Holland himself, writing from Switzerland, says: "Cheap wine is not the cure for intemperance. The people here are as intemperate as in America." Rodolph Rey, in a book entitled Geneves, et Les Rives der Leman, says: "Drunkenness is the bleeding (saignant) plague (or wound) of the Vaudois. This vice makes cruel ravages." Again, "Drunkenness is the curse of the country." Henry G. Carey, Esq., Professor of Music, says that at a musical festival which he attended in Switzerland, three or four hundred musicians being present, "a large proportion of them were drunk, a great many of them dead drunk, quite a number of them fighting drunk, and more of them reelingly drunk."

Yet, in view of such testimony there are those who still prate about the temperance and sobriety of wine-growing countries, and urge the cultivation of the grape in our country for the manufacture of wine in the interests of temperance. But the experiment in California proves the contrary. Already she has achieved notoriety as a wine-making state, and her wines are found in almost every market, and the same sad results as witnessed in France and Switzerland are to be seen here, and strikingly confirms our assertion that the theory of banishing intemperance by the general use of wine is a delusion and a snare. Rev. Dr. Stone, who went from the Park St. Church, Boston, to San Francisco, with the strong hope that the manufacture of native wines and their introduction into general use would crowd out the gross strong liquors and diminish intemperance, very soon was forced to say. *"I am now fully convinced that this hope was groundless and delusive."* He also declared that in the wine-growing districts intemperance was on the increase, extending even to the youth of both sexes, and added: "There is no way but to take ground

against the production of grapes for all such manufacture. This touches a very large and growing pecuniary interest, and will provoke strenuous opposition; but we must save this state, if it can be done, from such investment of capital and labor, and from the unavoidable result of drunkenness, profligacy, and crime."

Rev. Dr. Patterson, of San Francisco, after showing that, in the wine-producing districts of Europe, the people soon pass from the use of wine to distilled spirits, says: "The same results are apparent in the wine-growing districts of California. In one wine-growing village of eight hundred inhabitants there are nine saloons. There is more brandy-drinking and drunkenness of young men upon brandy in our wine-growing districts than in San Francisco. The notion of substituting wine for brandy or whisky is all a delusion."

The editor of the Rescue, a California paper, writes: "Wine-making as an element of wealth, has proved a delusion and a snare—it has paved the way to poverty and drunkenness only." And the editor of the Pacific, in an article on native wines, says: "Nearly the whole crop is turned into wine. The effect of this wine-making is beginning to tell disastrously on large numbers of those engaged in it. . . . Wine is not strong enough, and brandy is substituted, and the man becomes a drunkard. This wine-making is becoming the very curse of California."

In addition to these experiments of other countries, there is one more remarkable experiment to which we would call attention in the hope of dispelling the delusive theory of substituting beer and wine for the stronger drinks, in the interest of temperance. I refer to that very sad mistake made by the Parliament of Great Britain in 1830, when it passed "An Act to permit the general sale of beer and cider by retail in England." By this act any householder could, on giving bonds and sureties, and paying two guineas, obtain a license to

sell cider. Then, as now, it was claimed that this would provide for all a more wholesome beverage, that it would diminish drunkenness, and greatly lessen the consumption of stronger alcoholic liquors. Never was there, however, a greater miscalculation. Within a fortnight of its enactment, Sidney Smith, who had urged the passage of the measure, said: "The new Beer Bill has begun its operations. *Everybody is drunk.* Those who are not singing are sprawling. The sovereign people are in a beastly state!" And within a short time abundant and conclusive evidence was found going to show that many, very many who were previously sober and industrious were made drunkards. Many women had become tipplers, and the beer-houses, as might have been expected, were but nurseries of drunkenness, shameless prostitution, and crime, and in a few years, the very men who, from good motives, but with mistaken judgment, advocated and voted for the measure, took steps to secure its repeal, which they finally accomplished, but not until a vast injury, from which the English nation has not yet recovered, had been done.

If the friends of temperance would save this nation from repeating such consummate, suicidal folly, they must inaugurate a more definite and more effective crusade against beer and wine manufacture. Already these interests have grown to colossal proportions.

Consider the large and increased proportions which wine-making assumes in this country. In 1840 the consumption of wines in the United States was 4,873,096 gallons; in 1890, 28,956,981 gallons. During the latter year (1890) the capital invested in vineyards and wine-cellars in the United States amounted to over $155,000,000, while some four hundred thousand acres were planted in vineyards, an increase in ten years of some two hundred thousand acres. California alone has one hundred and fifty thousand acres in vineyards and $78,000,000 invested in wine-making.

The magnitude of the work and the obstacles the friends of temperance have to overcome will be better understood by a glance at the marvellous increase of late years in the consumption of beer and the power of the brewers. In 1840 the consumption of malt liquors was, in gallons, 23,310,843; fifty years afterwards, in 1890, the consumption was 855,792,335 gallons.

As a result of this growth of the beer interest, brewers who a quarter of a century ago were small capitalists, are now millionaires, some of them many times millionaires. This financial success has made them arrogant and autocratic. This is very noticeable in the realm of politics. Here they have for some time been able to exert a controlling influence—altogether disproportionate to their numbers—in Federal, state, and municipal legislation. This has been, and continues to be possible, because, *first,* of their unity of purpose and action, subordinating everything to the beer interest; and *second,* by their arbitrary and dictatorial control of the beer-saloons of the large cities, of which they are for the most part the real capitalists and owners. These beer-saloons are used for the brewers as so many political club-houses, to make or unmake the political fortunes of candidates and legislators who may favor or oppose the beer traffic. They maintain a "literary bureau," to disseminate publications advocating moderate drinking; extolling the benefits sanitary and otherwise of beer; and to ply legislators, the press, and the public with false and misleading statements.

At the annual convention of the Beer Brewers' Association, held in Boston, May, 1892, it was reported that for this work they had a balance in the treasury of $52,188.91. With this amount a good many beer documents can be printed and circulated.

These arrogant and autocratic brewers also teach insubordination to law wherever prohibition or any form of really stringent anti-liquor legislation is enacted. They

combine to defend illegal liquor-sellers in court, and do all in their power to thwart and defy restrictive law. The Haddock murder in Iowa is a striking illustration of this spirit of lawlessness and violence against legal restraints. As in Chicago, the saloons are the headquarters of conspirators and anarchists.

The work before the friends of temperance is to arrest and destroy this beer domination. It is the most formidable single factor to be overcome in the contest for the utter annihilation of the liquor traffic, and as it is thus powerful because of a lack of enlightened public conscience on the fallacy of its claims, the first and indispensable thing is to disseminate light on the nature of beer, and the enormous evils resulting from beer-drinking to the public health and morals. The public must be shown that both brewery and distillery are evil, and both are harmful, because of the nature and the effects of the alcohol contained in the beverages manufactured in each. And inasmuch as it is the beer-saloon, especially the high-license and gilded beer-saloon, which is the pathway of moral ruin to countless victims, young and old, of both sexes, in all our large cities, and nine-tenths of the drunkards of today commenced on beer and light wines, if there is to be any discrimination in law, between intoxicants, in the name of outraged law and suffering humanity, place the heavier burden upon the brewery than the distillery. But, in the name of God, let us take no rest, and give the foe no rest, until both are swept from the land by constitutional prohibition, Federal and state.

PROHIBITION AND CRIME[1]

Very often it is asserted, either in the newspapers or in the propaganda of the liquor interests, that the Vol-

[1] Written especially for this volume by James McIntosh, President McIntosh Engine Company, Designer of the Ferro Marine Engine and Inventor of the McIntosh Marine Engine, 2964 Corydon Rd., Cleveland Heights, Ohio.

stead Act is so drastic and unreasonable in prohibiting the manufacture and sale of any liquor that contains more than ½ of 1 per cent of alcohol that a considerable portion of the American people, who are otherwise good citizens but who see no harm in the use of liquor, will not obey the law but will deliberately and persistently violate it, and that this is a condition which has created disrespect for all law, increased the amount of crime, and is the reason, or the chief reason, why this country now has a much larger percentage of crime than most of the other advanced nations. The remedy, it is asserted, is to modify the Volstead Act so as to permit the manufacture and sale of beer, which made up more than 90 per cent of the liquor traffic before the Volstead law was adopted.

Of course nobody expects either the average newspaper or any system of propaganda to adhere strictly to the truth, but the above statement is so far from the truth and is so often repeated that the Handbook on Prohibition would not be complete without an answer which refuted it by stating the true causes for the crime conditions in this country.

The Volstead Act made certain acts crimes which were not crimes before it was enacted, at least they were not crimes in the fifteen states which had not adopted prohibition by state action. Furthermore, it seems to be a trait of human nature that many people will desire to get anything that is difficult to obtain, and will have a feeling that whatever they can get by some mysterious connection or secret influence puts them on a plane of distinction or superiority and is a matter for them to boast about. To this extent the Volstead law has made more crime, or, more accurately speaking, has made new crime. But the claim that this law has produced disrespect for all law and is responsible for there being in this country a greater percentage of crime, meaning thereby murders, burglaries, robberies, etc., than there is in Great Britain, for example, is so utterly false as to be

ludicrous and grotesque. If it were even an approximation of the truth there would have been a marked increase in crime beginning with the first year the Volstead law was in effect, but a chart I have made, plotted to show separately the sum total of all the major and minor crimes committed in this country each year since the beginning of this century and compiled from all the reliable crime statistics available, fails to show any increase in the major crimes in the year 1920, but does show at that point a marked decrease in the minor crimes. If this often repeated claim were the honest truth, then certainly there would have been, before the Volstead law went into effect, much more crime in the thirty-three states that had adopted prohibition by state action than there was then in the fifteen states that were still wet, but the statistics show that the opposite was the case. If there were any truth in this assertion, then the persons most zealously demanding the repeal of the Prohibition Amendment and the Volstead Act would be the students and scholars who have made criminology their specialty as well as the judges of criminal courts, the public prosecutors, the police officers, the probation officers, the prison wardens, and others who have to deal with the criminal class, but here again the opposite is the case. And why all this anxiety about crime conditions by the very people who have done most to create and develop crime, and who have continually and persistently violated the laws themselves, namely the brewers and the saloonkeepers.

If the Volstead Act is not the cause of the excess of crime in this country, then what is the cause? Years before the Volstead law was enacted we had a higher percentage of crime than did Great Britain. This was due to causes that were many and complicated, but there are one chief reason and three minor reasons which ought to be discussed briefly. The minor reasons are: (1) There is in this country a publicity favorable to the

development of crime. (2) There is a feeling in this country that crime may be committed with impunity. (3) The development of the automobile. The chief reason is the loss of American ideals that has taken place since about the time of the Civil War.

Everybody knows that most newspapers, the lower grade of moving pictures, and the poorer and cheaper novels and stories usually play up crime, giving details of actions and motives, often picturing as heroes the most brutal and disgusting criminals. These things take a strong hold on immature and subnormal minds. This does considerable to increase and develop crime In the Cleveland Plain Dealer for August 31, 1924, I said in a letter printed on the editorial page, "The front page is no place to review the details of crime. . . . If the press would expose graft and rottenness it would be better employed than by reviewing the details of crime." Of course there is nothing new in this point. Indeed, within the past week this thought has been publicly uttered in a way that has come to my attention five different times in widely separated parts of the country. For instance, Frederick N. Withey of New York city was reported to have told the Grain Dealers' National Association at its annual meeting in Cincinnati on September 23, 1924, that, "Newspapers that print sensational romances woven around the exploits of 'sheik' robbers and bobbed haired 'flapper' bandits are to blame for the increase in crime." Four days later the Retail Merchants' Bureau of the Murphysboro, Illinois, Chamber of Commerce was reported to have passed a resolution calling on the newspapers "To give less attention to crime and to devote more space to constructive news."

Another minor reason for the excess of crime in this country is the feeling that crime may be committed with impunity, or at least with a good chance of impunity. Some people are prone to criticise the criminal courts, claiming that they are too lenient and that leniency breeds crime, but there was more crime in Great

Britain when people were hanged for robbery than there is today. Severity is not the remedy. Others see in the delay in the bringing cases to trial and in hearing of appeals a cause of this feeling. Others, still, see in the failure of the authorities to apprehend a large part of the murderers and burglars a stimulus to commit these crimes. Whatever the cause of this feeling, it cannot be denied that such a feeling exists, and that it is one of the lesser reasons for the excess of crime in this country.

The development of the automobile has not only facilitated a quick get-away, which is very necessary in many crimes such as bank and pay-roll robberies, but it has also made the poor more envious of the rich and the middle class, for it flouts before them every day the pleasures and conveniences they cannot enjoy. To many of the younger criminals—and most of the crime is committed by boys and young men—this is undoubtedly a stimulus to commit crime.

The chief cause of the high percentage of crime in this country is the loss of American ideals. During the last fifty years religion has slowly but surely lost much of its hold on the American people, especially those who live in the cities. As this has taken place there has developed a cold selfishness, an utter disregard of the welfare of other people, and a scheming dishonesty. During these fifty years there has grown up a feeling, now quite general among the richer and better educated people, that money is the key to everything worthwhile in this world, that once having money nobody is asked how he obtained it, that money gives leisure, the luxuries of life, power, prominence, and social standing, and that the ideals taught by the churches and the schools are obsolete, impracticable, and impossible for one who would seek financial or business success in the strenuous life of today. This feeling has developed as the natural consequence of the events and the conditions in this country. It is the inevitable result of those conspicuous and

spectacular examples of people who have been extremely successful violators of the law, who have grown enormously rich because of violating the law, and who have wielded great power and become highly respected because of their wealth.

And what are some of these conspicuous and spectacular examples of crime that have been so highly rewarded and applauded? There have been many cases of persons who have grown rich, some of them fabulously rich, as the direct result of continually conducting their business activities in plain and intentional violation of the law. The laws against trusts and monopolies, against profiteering and price fixing, against rebates and unfair competition, against bucketing and stock manipulation, against adulteration and short measure, and scores of similar laws, especially those dealing with taxation, have been often and persistently violated by men of great wealth and high standing. Many of these men have been prominent church members and for that very reason their criminal careers have done greater harm by undermining the power for good that was formerly exercised by the church. There have been cases where a rich and respected man has deliberately wrecked a railroad or some other large business or industrial undertaking so that he might despoil his associates in business further to enrich himself. There have been cases of corporations organized, not for the purpose of going into business, but created simply for the purpose of selling their stock to unsuspecting investors who could be robbed. There was a case, about fifty years ago, of a lawyer employed in one of the larger cities of the eastern part of the country by a group of people who had bought stock in a silver mine in a western state. He was sent to the west to make a first hand investigation when a rumor had spread among the stockholders that the mine was worthless and that the stockholders were liable to an assessment. Upon his return he reported that the mine was practically worthless and that the stockholders were

liable to an assessment that was soon to be made. Of course the stockholders immediately disposed of their holdings for little or nothing. Shortly afterward it developed that the mine was a rich and valuable property and that the lawyer who had made the investigation had in the meantime become the owner of most of the stock that had been so hastily sold. There have been many such cases where fiduciary relations have been violated, and the offender has lived to enjoy the fruits of his treachery and the respect of the community.

Of course there is nothing at all either original or new about these facts or about the effects they have in destroying our civic and religious ideals. Witness the following statement, written almost twenty years ago, by Dr. Edward A. Ross,[1] professor of sociology at the University of Wisconsin:

> The conspicuously successful violator of the rules of the game robs us of that which is more precious than gold. The enterprises that have succeeded by trampling on the laws have done worse than extort money from us. After all, the monopolist as such hurts us no more than a drouth, a May frost, the boll weevil, or the chinch bug; and these are not calamities of the first rank, for, though they lessen our comfort, they do not leave us less civilized. But as a successful law breaker, the monopolist takes from us more than money: he takes away our ideals, leaving us more ape and less man. For twenty years the writer has watched the effect upon college young men of the conspicuous triumph of the first great commercial pirate—the oil trust—over able competitors, common carriers, oil producers, public prosecutors, attorneys general, courts, legislatures, newspapers, and leaders of opinion. Many left college for the battle of life with the conviction that the ideals of success held out by their instructors were unpractical. "The preachers and professors and commencement speakers are old fogies," says one. "This isn't the kind of world they think it is. They are fussy old maids, not strong men." "With all these fine principles," says another, "you'd be a dead one from the start. You'd never get into the game at all." "Money's the thing! With money you're IT, no matter who kicks," says a third. "I'm going to climb into the band wagon, not hoot as it goes by." So, for several college generations, one could mark in the ebb of generous ideals and the mounting of a precocious cynicism the working of the virus. If such was the impression of trium-

[1] Sin and Society: An Analysis of Latter-Day Iniquity. Houghton Mifflin Co. 1907. p. 152-4.

phant lawlessness upon young men whose horizon had been widened by academic culture, what must it have been upon the multitudes of callow youth that from the school-boy desk go ill-furnished forth into active life? The founder of the oil trust may give us back our money, but not if he send among us a hundred Wesleys can he give us back the lost ideals.

It would be an easy matter to quote from the utterances of our most honest and able scholars and statesmen a dozen or two dozen similar statements. The speech of William Jennings Bryan entitled Thou Shalt Not Steal and some of the later messages of President Roosevelt, are along this line.

Though the moral and ethical standards of politics are higher than those of big business, still the history of American politics for the past fifty years reeks with the stench of corruption.[1] Sixty years ago Abraham Lincoln declared this to be a "government of the people, by the people, and for the people." Fifty years after this memorable phrase was first uttered Professor Charles Zueblin of the University of Chicago in a public lecture declared that "This is a government of the people, by the courts, for the corporations." From Credit Mobilier to the Teapot Dome it has been a continuous story. Even more corrupt than the national government have been the state governments. Such things as the fifty year franchise law that was bought through the Ohio legislature thirty years ago have not been rare, but are the high spots in a continuous course of crime against the states by the invisible government that has shown its power by getting some of those who voted for this famous steal appointed to high governmental offices. But the worst and the rottenest of our governmental corruption has been in the cities, particularly in the larger cities, although here the conditions have improved somewhat in recent years. Tweed, the monarch of all municipal thieves, was crude in the operations by which he stole over $100,000,000 from the city of New York. The

[1] For details see Alfred B. Cruikshank's Popular Misgovernment in the United States, particularly chapters 13 and 14.

modern municipal thief is much more skillful. While there are no such striking cases today as the "Forty Thieves" or the "Crooked Thirteen" still many cities now have one or more councilmen who have served for many years in the municipal legislature and who have grown "rich on forty pounds a year." There have been a great many cases where tremendously valuable municipal franchises have been bought by corrupt public service corporations which have bribed a majority of the members of a city council, so that most of our larger cities now have their traditions and their living examples of successful crime. Many a man is a millionaire today because some years ago he, or his father, committed these frightful crimes of which President Roosevelt said on December 7, 1903 in a message to Congress:

> There can be no crime more serious than bribery. Other offenses violate one law while corruption strikes at the foundation of all law. Under our form of government all authority is vested in the people and by them delegated to those who represent them in official capacity. There can be no offense heavier than that of him in whom such a sacred trust has been reposed, who sells it for his own gain and enrichment; and no less heavy is the offense of the bribe giver. He is worse than the thief, for the thief robs the individual, while the corrupt official plunders an entire city or state. He is as wicked as the murderer, for the murderer may only take one life against the law, while the corrupt official and the man who corrupts the official alike aim at the assassination of the commonwealth itself. Government of the people, by the people, for the people will perish from the face of the earth if bribery is tolerated. The givers and takers of bribes stand on an evil pre-eminence of infamy.

Though the ethical standards in education are still higher than those of politics, yet high educational positions, both in public education and in privately endowed schools and colleges, have been given to men and women totally incompetent to fill them, either because they were related to some influential politician or rich magnate, or because they were the loyal supporters of some corrupt corporate enterprise. Indeed, there was a case of a privately endowed university whose trustees were domi-

nated by one of their own number who was a very rich man and an officer in one of the great monopolies whose methods have often been the subject of criticism. About thirty years ago this dominating trustee selected for the presidency of this university an obscure clergyman who was not a well-educated man, who was not even a college graduate, whose education had been obtained by attending, for the larger part of one year, one of the smaller eastern colleges, but of whose loyalty to him and his business methods the dominating trustee had no doubt. For almost thirty years this modern Dionysius reigned as the tyrant of Syracuse, maintaining an institution with low standards of scholarship and fine athletic teams, loudly condemning on the spot any student whom he happened to see smoking on the campus or on the streets and publicly condoning and supporting the great monopolies in their violation of the anti-trust laws. When President Roosevelt made his attack on the criminal practices of trusts and monopolies, then this Dionysius, dignified by the position he held, was prompt and loud in defending the monopoly from whose officer he had obtained his position, to the amazement and disgust of all honest educators. And after the death of his master, he ruled the board of trustees, referring to them as "my board of trustees" and boasting that at every meeting he alone made every motion that was offered in that body and that he had dropped certain trustees whose course did not please him.

These are the things that have robbed the American people of the pure and lofty ideals they inherited from the Puritan and the Cavalier, and have created and developed the present spirit of cold Machiavellianism that rules business and politics and even permeates the schools, colleges, and churches of this country today. This theft of our ideals by men who have been industrial, political, or educational leaders is the chief reason why so many of our young men, some of the men of subnormal minds, others unfortunate in other respects,

have taken up a life of crime as an easy way to get money, for money, they have been taught by the examples and careers of the leaders of action, is the key to everything worthwhile in this world. This condition existed long before the Eighteenth Amendment was adopted, so that the Volstead Act had nothing at all to do with it, and it will not be remedied by a return to the pre-Volstead conditions when the American people consumed annually more than two billion gallons of beer, and the organized brewers owned most of the saloons and made and unmade statesmen at will.

Welcome the day when all men shall wear the armour of truth and in the strength of manhood overcome the temptation to steal that mars and dwarfs and tells the story of the weakness of men recognized as leaders, as well as the unfortunate petty thief. Then, indeed, shall character be rated the standard of eminence and moral worth held higher than the possession of great wealth. Then shall the young, the poor, the subnormal, the defective, and the unfortunate have before them as the men they seek to emulate worthy examples of leaders inspired by the pure and lofty ideals formerly cherished by all great Americans.

BRIEF EXCERPTS

The most sinister thing about beer is its apparent harmlessness.—*Dr. Edwin F. Bowers. American Magazine. 81:54. May, 1916.*

Young people usually begin to drink with beer or wine.—*Dr. Harvey W. Wiley. Scientific Temperance Journal. 32:13. Spring, 1923.*

Modern scientific research has shown that, contrary to general belief, beer is proportionately much more noxious than are wines or liquors.—*Dr. Edwin F. Bowers. American Magazine. 81:54. May, 1916.*

There is a close negative correlation between the enactment of the prohibition law and the commitments to prison, reformatory, and jails.—*John L. Gillen. Proceedings of the 1921 Conference of Social Work. p. 136.*

Since prohibition the charitable organizations of our six largest cities have reduced the number of their cases of family destitution to an average of 85 per cent of the former figures.—*Whiting Williams. Collier's Weekly. 72:7. August 11, 1923.*

No great evil was ever yet subdued by license. Prohibition absolute by law is the only remedy sanctioned by experience and common sense.—*Senator Henry W. Blair. North American Review. 138:52. January, 1884.*

Prohibition, in itself, can hurt no one but the egotist or self-centered who accumulated hordes of this world's goods by the manufacture or sale of alcohol.—*Dr. D. Nathan. Medical Record. 98:186. July 31, 1920.*

The elimination of the liquor traffic has greatly reduced the number of arrests (in Indiana) not only for drunkenness but also for petty crimes.—*John A. Brown. Proceedings of the 1921 Conference of Social Work. p. 234.*

Almost invariably the drink habit is inaugurated through the use of beer. Scientific men and sociologists in general fail to agree with brewers in their contention that beer drives out stronger liquors.—*Dr. Edwin F. Bowers. American Magazine. 81:55. May, 1916.*

It will take some years to dampen the taste of a man for beer, wine, or spirit, but the alcoholic has no more right to indulge such taste than the morphine-eater has to indulge his.—*Dr. D. Nathan. Medical Record. 98:186. July 31, 1920.*

The United States Government reported a greater national consumption of alcohol [before the adoption of prohibition] through the beer medium than through the whisky medium.—*Wilson and Pickett. The Case for Prohibition. p. 62.*

Personal liberty ends where public injury begins. There is a higher personal liberty, and that is civil liberty. The liquor traffic exists under a license. It has no inherent rights.—*William H. Anderson. Forum. 62: 73. July, 1919.*

Prohibition enables workmen to make better use of their leisure hours, and thus strengthens the moral argument in favor of shorter hours. Prohibition gives to labor better homes, more comfort for wives, better care of children, and more time and clearer brains for the study of the duties of citizenship.—*William J. Bryan. Locomotive Engineers' Journal. 57:868. November, 1923.*

It is nonsense to say that this government cannot enforce the Volstead Act if it wants to do so. Nothing within reason is beyond the power of this government. . . . The government is not using its power. It is permitting the abuse of permits. This conclusion cannot be escaped.—*Gifford Pinchot. Hearst's International. 46: 143. April, 1924.*

Can men become drunk on wine and beer? Empires fell because of drunken debauchery before such a thing as a still had existed in the world. No ancient Egyptian was ever drunk except on wine or beer. Alexander died drunk but he never heard of whisky. The sodden debauchery of Nero's feasts was caused by the wine and beer consumed.—*Wilson and Pickett. The Case for Prohibition. p. 61.*

At every point where a test has been made the same amazing reduction in the number of deaths, institutional

commitments, and hospital admissions of alcoholics is revealed; and I have been recently told by Dr. Abraham Myerson and Dr. A. W. Stearns, formerly of our psychopathic hospital staff, both men of wide experience, that the alcoholic forms of insanity are actually disappearing from the intake of the hospital.—*William H. Pear. Proceedings of the 1921 Conference of Social Work. p. 242.*

Take the Prohibition Unit of the Internal Revenue Department out of politics tomorrow, place it under civil service, or empower the Federal Prohibition Commissioner to make his own regulations, hire and fire his own subordinates, provide him with the right kind of men, and in less than six months the United States will be almost bone-dry and respect for law reestablished.—*Jack O'Donnell. Collier's Weekly. 73:6. January 26, 1924.*

After the Prohibition law went into effect I especially enquired if the addicts had been hitherto accustomed to alcoholic drinks.

"Contrary to the general impression, they have almost invariably replied in the negative, that there was no connection apparently between the difficulty in getting alcoholic drinks, and the taking of narcotic drugs. —*William McAdoo, Chief City Magistrate, New York City. Saturday Evening Post. March 21, 1922.*

Dr. Ernest S. Bishop, the well-known diagnostician, whose experience with alcoholics and drug addicts has made him an authority on the subject, says that there are more drug addicts today than ever before; and that there is more illicit drug traffic than ever before. "However," says Dr. Bishop, "this increase is not because of the enactment of the Eighteenth Amendment. Prohibition has nothing whatever to do with it."—*New York Herald. November 22, 1920.*

A man has no personal liberty to sell rotten meat. He has no personal liberty to run his automobile on the left side of Fifth Avenue. He has no personal liberty to shoot off a revolver in a New York square. There is no such thing as personal liberty unless a man is the sole inhabitant of a wilderness. Every man gives up what he calls his personal liberty in return for the benefits he derives from society.—*William H. Anderson. Forum. 62:78-9. July, 1919.*

Prohibition has largely completed the work of doing away with immoral hotels and cafés [in Boston.] It represents a very important net gain that even though there is the much discussed drinking by way of bravado among young people, the open resorts whose deliberate purpose was to provide all the incitements to immorality have disappeared. . . . The social evil is facilitated rather by wine and beer than by so drastic a drink as bootleg whiskey.—*Robert A. Woods. National Municipal Review. 12:709. December, 1923.*

For many years our reports have deplored the destructive influence of intemperance upon family life. It still exists, but thanks to national prohibition, to a far less degree. In 1916, a prosperous pre-war year, intemperance was second on our list and appeared in 47.7 per cent of our cases. In 1921 it has decreased to 16.8 per cent. In 1922 it had increased to 20.2 per cent.—*Annual Report of the Massachusetts Society for Prevention of Cruelty to Children. Scientific Temperance Journal. 32:7. Spring, 1923.*

More than a billion dollars was added to savings bank deposits in the fiscal year ending last June. Such deposits come chiefly from wage earners. . . .

Total savings deposits are reported at $18,373,062,000. That is about five billions less than our interest-

bearing national debt. It is double the maximum savings bank deposits in any pre-war year, according to the Statistical Abstract. . . . The average deposit ranges between $405 in New England and $147 in the Eastern Central States. The Southern States report an average of $45, against $18 in 1912.—*New York Times (editorial). December 1, 1923.*

I am not in favor of amending the Volstead act in respect to the amount of permissible alcohol in beverages. I am not in favor of allowing light wines and beer to be sold under the Eighteenth Amendment. I believe it would defeat the purpose of the amendment. No such distinction as that between wines and beer on the one hand and spirituous liquors on the other is practicable as a police measure. . . . Any such loophole as light wines and beer would make the amendment a laughing stock.—*William Howard Taft. (Chicago Tribune, April, 1922.)—Anti-Saloon League Yearbook, 1922. p. 22.*

The great improvement in business which followed the war, and is so clearly shown by the Babson chart, was very largely the result of the influence of prohibition and the salvage of our former waste of two billion dollars or more each year due to the liquor traffic. I know of no other way to account for the great impetus in home building, the tremendous numbers of new automobiles purchased, the larger volume of department store sales, accompanied at the same time by a continued swelling of savings bank deposits, when the tendency of business as a whole should normally have been downward.—*Roger W. Babson. Statement. July 19, 1923.*

I cannot recall of any reputable authority on this subject of narcotics and addiction making a statement

to the effect that prohibition would or had increased or influenced the spread or consumption of narcotic drugs. Indeed, every report or survey entitled to scientific credence, and the foremost authorities on this subject, either men of personal experience in clinical work or of study into its history and literature, have emphatically declared that the coming of the prohibition amendment has had absolutely nothing to do with the development of the present narcotic drug situation and conditions.—*Dr. Lester D. Volk. Illinois Medical Journal. 43:428. June, 1923.*

I believe that the Eighteenth Amendment will add uncountable millions to the wealth of the United States; will enormously increase the prosperity of our people and will raise happiness and welfare, especially of our women and children, to a new and higher plane. I believe, as every man does who knows the facts, that a very formidable percentage of crime, misery and misfortune flows straight out of the liquor traffic; that the moral condition of the whole community has already been enormously benefited by the Eighteenth Amendment and that it will be benefited still more when the law comes to be better enforced. As a matter of fact crime and disease have been notably reduced already by its action and that action, of course, has only begun to be felt.—*Gifford Pinchot, Governor of Pennsylvania. Annals of the American Academy. 109:285. September, 1923.*

Less than three months ago five thousand saloons, cabarets, coffee-shops and blind-tigers in Chicago were openly selling whisky, gin, wines and beer, which were also being served in cafés and restaurants. Twenty breweries were making and distributing real beer. More than 150 persons were killed by moonshine whisky in Chicago in the first nine months of the year, and 97 per cent. of moonshine liquor seized in police raids was

found to be poisonous. . . . Said the Chicago *Daily News,* in September: "There is such big money in making and selling illicit beer in Chicago that the men who are getting that money find it desirable to employ their own expert gunmen to do battle in Chicago's streets for monopoly rights in beer." But matters came to a climax, when, following other affrays, two gunmen were killed in the street. Mayor Dever of Chicago clamped on the lid, . . . the Mayor's success is chiefly due to two things: the cooperation of Federal, State and city officials, and the revocation of the licenses of all places of business in which intoxicants were found. . . . Since September 18, when the Mayor's campaign started, 1,723 licenses have been revoked; 2,345 drinking-places have closed voluntarily. Only 1,195 of these places of refreshment are now operated and, according to the Mayor, "you can't buy a drink openly in any one of them." The New York *Herald* gives figures showing a decided drop in arrests for drunkedness, and also in the numbers of burglaries, robberies and other crimes.—*Literary Digest. 79: 16. December 18, 1923.*

We believe that prohibition has ushered in a new day for the workers of America; that it is enabling them and their families to enjoy comforts that they never could afford when a part of the pay envelope went for booze; that labor must choose between putting its money over the saloon bar or putting it into labor cooperative banks; and that the "wholesome" wines and beer recommended by the American Federation of Labor convention constitute the precise reason why millions of workers in Europe have never been able to secure as high a standard of living as have American workers,—their brains are so pickled in alcohol that they cannot think straight. No man ever yet improved his lot by taking poison into his system.

We further charge that the liquor interests of this

country have always been in league with the most ruthless exploiters of labor and the worst corrupters of our political life. As a prominent Denver labor leader, quoted in a recent issue of the *New Republic,* states: "In Denver we had 108 unions meeting in 28 different places, mostly above saloons. We could not get together because the liquor interests didn't want to see us bunched. But when the state went dry, we were able to put it over, and now we have a splendid labor temple, owned and controlled by the local unions." Count up for yourself the labor temples that have been erected since the coming of prohibition. As the late John Mitchell, beloved leader of the United Mine Workers, declared: "Tear down a saloon and in its place is built a factory." —*Editorial. Locomotive Engineers Journal. 57:865. November, 1923.*

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